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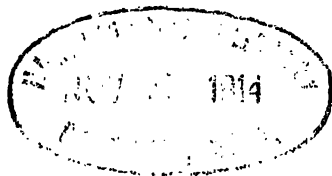
Conference
OF
American Teachers of International Law

HELD AT
Washington, D. C., April 23-25, 1914

Upon the invitation of the
American Society of International Law
At its Eighth Annual Meeting

BYRON S. ADAMS
Washington, D. C.
1914

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THE AMERICAN SOCIETY OF INTERNATIONAL LAW

PREFACE

The conference of teachers of international law was held at the City of Washington April 23-25, 1914, under the auspices of the American Society of International Law, in order to consider what measures, if any, could properly be taken to arouse a greater interest in international law where taught in American institutions of learning; to secure its introduction in American institutions of learning where it is not taught; to call attention to its importance to lawyers in the practice of their profession; and to suggest the advisability of a knowledge of its principles for admission to the bar; and to show, finally, the necessity of an understanding of the subject by the public at large, which in a democracy such as ours determines in the ultimate resort the foreign policy of the United States.

It was felt that none were more competent than the teachers of international law to consider these various questions and to reach wise conclusions upon them, and that any suggestions concerning the teaching of international law in American institutions of learning should properly come from the teachers themselves rather than from those not engaged in the teaching of international law. It was believed—and the proceedings of the conference show that the belief was justified—that a conference of teachers of our leading colleges and universities, in which these subjects could be carefully discussed and considered, would result in fruitful recommendations, and that the teaching profession generally would be able in conference to agree upon recommendations acceptable to the teachers, because the recommendations in question were formulated by the teachers themselves, and acceptable to the public, because of the confidence which the public must necessarily have in the results reached by experts.

It is a source of great pleasure to the American Society of International Law to have coöperated in the movement making for a broader and deeper knowledge of international law, and its officers are deeply gratified that the teachers assembled in conference should ask the Society to form a standing committee on the teaching of international law and related subjects, so that this committee, composed of teachers, will in reality continue the conference and put into effect its recommendations and resolutions.

JAMES BROWN SCOTT,
*Recording Secretary of the
American Society of International Law.*

WASHINGTON, D. C., July 1, 1914.

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INTRODUCTION

THE NEED OF POPULAR UNDERSTANDING OF INTERNATIONAL LAW*

By ELIHU ROOT

The increase of popular control over national conduct, which marks the political development of our time, makes it constantly more important that the great body of the people in each country should have a just conception of their international rights and duties.

Governments do not make war nowadays unless assured of general and hearty support among their people; and it sometimes happens that governments are driven into war against their will by the pressure of strong popular feeling. It is not uncommon to see two governments striving in the most conciliatory and patient way to settle some matter of difference peaceably, while a large part of the people in both countries maintain an uncompromising and belligerent attitude, insisting upon the extreme and uttermost view of their own rights in a way which, if it were to control national action, would render peaceable settlement impossible.

One of the chief obstacles to the peaceable adjustment of international controversies is the fact that the negotiator or arbitrator who yields any part of the extreme claims of his own country and concedes the reasonableness of any argument of the other side is quite likely to be violently condemned by great numbers of his own countrymen who have never taken the pains to make themselves familiar with the merits of the controversy or have considered only the arguments on their own side. Sixty-four years have passed since the northeastern boundary between the United States and Canada was settled by the Webster-Ashburton treaty of 1842; yet to this day there are many people on our side of the line who condemn Mr. Webster for sacrificing our rights, and many people on the Canadian side of the line who blame Lord Ashburton for sacrificing their rights, in that treaty. Both sets of objectors can not be right; it seems a fair inference that neither of them is right; yet both Mr. Webster and Lord Ashburton had to endure reproach and obloquy as the price of agreeing upon a settlement which has been worth to the peace and prosperity of each country

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a thousand times as much as the value of all the territory that was in dispute.

In the great business of settling international controversies without war, whether it be by negotiation or arbitration, essential conditions are reasonableness and good temper, a willingness to recognize facts and to weigh arguments which make against one's own country as well as those which make for one's own country; and it is very important that in every country the people whom negotiators represent and to whom arbitrators must return, shall be able to consider the controversy and judge the action of their representatives in this instructed and reasonable way.

One means to bring about this desirable condition is to increase the general public knowledge of international rights and duties and to promote a popular habit of reading and thinking about international affairs. The more clearly the people of a country understand their own international rights the less likely they are to take extreme and extravagant views of their rights and the less likely they are to be ready to fight for something to which they are not really entitled. The more clearly and universally the people of a country realize the international obligations and duties of their country, the less likely they will be to resent the just demands of other countries that those obligations and duties be observed. The more familiar the people of a country are with the rules and customs of self-restraint and courtesy between nations which long experience has shown to be indispensable for preserving the peace of the world, the greater will be the tendency to refrain from publicly discussing controversies with other countries in such a way as to hinder peaceful settlement by wounding sensibilities or arousing anger and prejudice on the other side.

In every civil community it is necessary to have courts to determine rights and officers to compel observance of the law; yet the true basis of the peace and order in which we live is not fear of the policeman; it is the self-restraint of the thousands of people who make up the community and their willingness to obey the law and regard the rights of others. The true basis of business is not the sheriff with a writ of execution; it is the voluntary observance of the rules and obligations of business life which are universally recognized as essential to business success. Just so while it is highly important to have controversies between nations settled by arbitration rather than by war, and the growth of sentiment in favor of that peaceable method of settlement

is one of the great advances in civilization to the credit of this generation; yet the true basis of peace among men is to be found in a just and considerate spirit among the people who rule our modern democracies, in their regard for the rights of other countries, and in their desire to be fair and kindly in the treatment of the subjects which give rise to international controversies.

Of course it can not be expected that the whole body of any people will study international law; but a sufficient number can readily become sufficiently familiar with it to lead and form public opinion in every community in our country upon all important international questions as they arise.

CONFERENCE OF TEACHERS OF INTERNATIONAL LAW AND RELATED SUBJECTS

HELD UNDER THE AUSPICES OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

FIRST SESSION

Thursday, April 23, 1914, 10 o'clock a.m.

The conference convened at 10 o'clock a.m., with the Honorable ELIHU ROOT, President of the American Society of International Law, in the chair.

The PRESIDENT. Gentlemen: It gives me very great pleasure to welcome you to participation in this, the Conference of Teachers of International Law and Related Subjects, held in connection with the Eighth Annual Meeting of the American Society of International Law, and to express the grateful appreciation of the officers and members of the Society to the instructors in international law who have left their customary duties, to come here for the purpose of taking part in this conference.

The invitation which led to this meeting had its origin in a resolution which was offered by that honored and admired leader in American education, Mr. Andrew D. White, at a meeting of the Trustees of the Carnegie Endowment for International Peace. One of the divisions of work established under that trust is the Division of International Law, of which Dr. James Brown Scott is the head; and Mr. White, responding to the double impulse of his old enthusiasm as a teacher and organizer of education and as a diplomatist, as the representative of his country at the court of Germany, and as the first delegate of his country to the First Hague Conference, offered this resolution:

Resolved, That the Executive Committee be directed to propose and carry out, subject to the approval of this Board, a plan for the propagation, development, maintenance and increase of sound, progressive and fruitful ideas on the subject of arbitration and international law and history as connected with arbitration, es-

pecially through addresses or courses of lectures delivered before the leading universities, colleges and law schools of the United States, and to report on the same at the next regular meeting of the Board, or, should the Committee think best, at a special meeting to be called for that purpose.

In taking the first steps in compliance with this resolution, the Executive Committee found it desirable to ascertain, as a basis of action, what was already being done in the United States along the lines indicated by the resolution; and, accordingly, an inquiry was set on foot and prosecuted, in which was developed the state of education upon this subject in all the leading colleges and universities and law schools of the country, and a very full report was made upon that subject.

The consideration of the facts developed by that report led to the conclusion that the program, the method of procedure, the scope of enterprise and activity in the spirit of Mr. White's resolution, were something that no individual and no committee organized for any other purpose, as was the Executive Committee of the Peace Endowment, could properly handle, could adequately deal with; and, accordingly, the suggestion was made that the American Society of International Law, which deals specifically with the subject-matter of the resolution, should take it up, and that the men who know best what is needed and how that shall be done and can be done, should come together and confer upon the subject. So you see that the initial impulse which brings you here is a source which must be respected by every American educator, and has a purpose which is certified to by the highest ability and the broadest experience.

I will detain you from the practical work which lies before you in organizing the conference, by only a single suggestion. The putting of instruction in international law in American educational institutions on a broader basis, giving it a wider scope and greater efficiency, is not a mere matter of book learning. It is not a mere matter of science. It is a matter of patriotic duty.

More and more, as the years follow one another with the swiftness of our modern life, democracy is coming to its own. More and more the people, the men on the farms and in the shops, the men with the pick and shovel in their hands, are assuming the direction of the operations of government, both internal and external. More and more they are directly responsible for the operations of government. Presidents and Congresses more and more look for immediate response

from constituencies upon the most difficult and intricate questions in the foreign relations of the country, questions the right solution of which requires broad knowledge, which cannot be solved by the impressions of the moment, which cannot be solved by emotional response to oratory.

I think no one can study the movement of the times without realizing that the democracy of the world—for it is not alone in this country—is realizing its rights in advance of its realization of its duties. And that way lies disaster. That way lies hideous wrong. That way lies the exercise of the mighty powers of modern democracies to destroy themselves, to destroy the vitality of the principles upon which they depend. And there is no duty more incumbent today upon the men whose good fortune has made it possible for them to acquire a broader knowledge upon the subjects with which democracy deals, than to become themselves leaders of opinion and teachers of their people. Unless the popular will responds to the instructed and competent leadership of opinion upon the vital questions of our foreign relations, the worst impulses of democracy will control. At the bottom of wise and just action lies an understanding of national rights and national duties. Half the wars of history have come because of mistaken opinions as to national rights and national obligations, have come from the unthinking assumption that all the right is on the side of one's own country, all the duty on the side of some other country. Now I say the thing most necessary for the good of our country in the foreign relations which are growing every year more and more intricate and critical, is that there shall be intelligent leadership of opinion as to national rights and national obligations; and nobody can bring that about as the educators of America can bring it about. It is in the hope that you will be able to organize, to give direction and wise guidance to a systematic movement to accomplish this good service for our country, that I take the deepest interest in this conference, and bid you God-speed in your labors.

I have unfortunately to go to the performance of other duties now, and I will ask Judge Gray if he will kindly take the chair.

Honorable GEORGE GRAY, a Vice-President of the Society, thereupon took the chair.

Mr. JAMES BROWN SCOTT. Mr. Chairman, if I may claim for a mo-

ment the attention of the conference, I should like to make a few observations for your consideration, as to the method of procedure.

As stated by the President of the Society, we are here for a very practical purpose, the purpose being to see how it may be possible to increase and broaden instruction in international law, upon which I allow myself to say that peace between nations must rest and can only rest; and, as the result of reflection and discussion, to adopt a series of resolutions, which may be transmitted as the opinion of this conference upon the proper instruction in international law in American institutions of learning.

The report to which Mr. Root referred concludes with a series of recommendations, one of which was that the American Society of International Law, profoundly interested in the subject of correct teaching, should be asked to place this matter upon its program.

The American Society of International Law responded to the request, and it is by virtue of the favorable action of the Society that we have the honor of welcoming you here.

The series of recommendations adopted by the Carnegie Endowment and referred to the Society, are contained in the report, and are printed in the program which you no doubt have before you. These recommendations are that there be a conference on the teaching of international law in the educational institutions of the United States to consider—

1. Plans for increasing the facilities for the study of international law; for placing the instruction on a more uniform and scientific basis; and for drawing the line between undergraduate and graduate instruction.
2. The question of requiring a knowledge of the elements of international law for candidates for advanced degrees.
3. The advisability of urging all institutions with graduate courses in law to add a course in international law where not already given.
4. The advisability of calling the attention of the State bar examiners to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar.
5. The advisability of requesting the American Bar Associa-

tion, through its appropriate committee, to consider the question of including the study of international law in its recommendations for a deeper and wider training for admission to the bar.

6. The desirability and feasibility of plans for securing the services of professors of or lecturers on international law to whom can be assigned definite lecture periods in institutions where international law is not now taught or is inadequately taught—the services to rotate between institutions where they will be acceptable.

7. The advisability of requesting universities which now have summer schools to include among the subjects offered courses on the elements of international law, and, if there be occasion for it, to offer advanced courses of interest and profit for advanced students and instructors.

These are merely recommendations submitted by the American Society of International Law for your consideration. There may be many other viewpoints from which the subject can be examined, but it has seemed best to begin with a program which could be modified according to your pleasure, and accordingly this program was drafted. In order to facilitate the discussion of these matters and to make the meeting fruitful, I would propose that we adopt a method of procedure something like that contained in the resolution which I now ask permission to read to the conference:

Resolved, That the seven proposals laid before the Conference of Teachers of International Law and Related Subjects be referred to separate committees; that each delegate indicate his preference for the committee on which he desires to serve; that a committee of three be appointed by the chair to arrange the membership of each of the seven committees, taking into consideration the preferences expressed by the delegates, and report the membership of the committees to this session of the conference for its approval.

Resolved further, That each committee elect its chairman and determine its procedure, and report at the meeting of the full conference on Friday, April 24, at 2:30 o'clock in the afternoon, the result of its consideration of the subject referred to it.

These, Mr. Chairman, are merely practical suggestions, in order to begin the work.

I should think it would be very useful to have some discussion as to

the general nature of the deliberations, but that we should at an early date provide for that careful and detailed study of different topics which is only possible in small and restricted groups. It is for that purpose that we have thought the formation of committees of this kind, whose membership shall be based upon the personal desires or preferences of the members, would be very useful indeed.

The CHAIRMAN. Gentlemen, in assuming the duty and the honor of presiding at this session of the Conference of Teachers of International Law and Related Subjects, I want to say, voicing my own feeling and I doubt not the feeling of those who are here, that whatever interest there may have been and doubtless was prior to this meeting in the great cause of educating the youth of the land in the grand scheme of international morals, which is really international law, whatever that interest has been, it must have been stirred and quickened by the noble address of our President this morning. Certainly nothing can be more important than the conservation of our natural resources, and among those resources none are so transcendently important as the conservation of our boys. So that, in commencing the program today and asking you to consider the resolutions which have just been offered by Dr. Scott, I will ask you to keep in view, as I know you will, the high import of the duty that you have assumed.

Prof. L. S. ROWE. I move the adoption of the resolutions as presented.

Prof. WILLIAM HOYNES. I second the motion.

The CHAIRMAN. It is moved and seconded that the resolutions as presented be adopted. Are there any remarks?

Prof. RALEIGH C. MINOR. Mr. Chairman, would it not be well to have the resolution provide a means for expressing the preferences of the delegates? There is no method of expressing preferences mentioned in the resolution.

Mr. SCOTT. I omitted to state that if the resolutions are adopted, slips will be passed around, upon which the members may indicate their preferences in accordance with the questions that are printed in full and numbered on the program, and as soon as the slips

are collected the committee of three to be appointed by the chair can take them and arrange the membership of each committee in accordance with the preferences expressed on the slips.

The CHAIRMAN. Then of course the suggestions will be made to the committee of three to be appointed, and Dr. Scott has indicated how that preference may be made effectual. Are you ready for the question?

The resolutions were put and unanimously agreed to.

The CHAIRMAN. In pursuance of the resolutions which have just been adopted, the chair is required to appoint a committee of three to take into consideration the appointment and personnel of the different committees provided for in the program. Will you make nominations as to the membership of that committee?

Prof. F. W. AYMAR. I move that the committee be appointed by the chair.

The CHAIRMAN. It will be appointed by the chair, but the chair would like to know if there are any nominations to be made from the gentlemen here present? If not, the chair will try to appoint a suitable committee. In the absence of suggestion from the members, the chair will appoint President Warfield, of Lafayette College, Professor Wambaugh, of Harvard Law School, and Mr. Eliot, of Washington University, St. Louis. Slips will now be distributed to the members, which only delegates will sign, and in doing so they will take the printed program and indicate by number the committee upon which they desire membership.

Mr. SCOTT. Mr. Chairman, I would suggest that while the slips are being filled out and collected, and while the committee is engaged in framing the list of membership of the committees, the roll of membership of the conference be called.

The President of the Society, Mr. Root, sent invitations to American universities and colleges, requesting the appointment of a member of the faculty of each institution so addressed, a professor of international law or an instructor of international law, or a professor or instructor of political science, to represent the university or college officially at

this meeting. There was a very gratifying response to this request, and I would suggest, sir, with your permission, that we now call the roll.

The CHAIRMAN. You have heard the suggestion of Dr. Scott. It seems a good one, and if he will kindly call the roll the delegate representing each university will respond and indicate his presence.

The Secretary called the roll, and the following were present:

Boston University	JAMES F. COLBY
Clark University	GEORGE H. BLAKESLEE
Cornell University	SAMUEL P. ORTH
Dartmouth College	JAMES F. COLBY
Dickinson College	EUGENE A. NOBLE
George Washington University	{ CHARLES NOBLE GREGORY
	{ C. H. STOCKTON
University of Georgia	H. A. NIX
Hamilton College	FRANK H. WOOD
Harvard University	{ EUGENE WAMBAUGH
	{ GEORGE G. WILSON
University of Illinois	JAMES W. GARNER
Johns Hopkins University	JAMES BROWN SCOTT
University of Kansas	F. H. HODDER
Lafayette College	E. D. WARFIELD
Louisiana State University	ARTHUR T. PRESCOTT
University of Michigan	JESSE S. REEVES
University of Minnesota	WILLIAM A. SCHAPER
University of Missouri	JOHN D. LAWSON
University of Nebraska	EDWIN MAXEY
College of the City of New York.	WALTER E. CLARK
New York University	F. W. AYMAR
Northwestern University	CHARLES CHENEY HYDE
University of Notre Dame	WILLIAM HOYNES
Oberlin College	KARL F. GEISER
University of Pennsylvania	LEO S. ROWE
University of Pittsburgh	FRANCIS N. THORPE
Princeton University	PHILIP BROWN
Swarthmore College	WILLIAM I. HULL
Syracuse University	EARL E. SPERRY
University of Texas	WILLIAM R. MANNING
Tufts College	ARTHUR I. ANDREWS
Union College	CHARLES J. HERRICK
University of Virginia	RALEIGH C. MINOR
Washington University	EDWARD C. ELIOT

Western Reserve University ... FRANCIS W. DICKEY
 University of West Virginia.... JAMES M. CALLAHAN
 University of Wisconsin STANLEY K. HORNBECK
 Yale University GORDON E. SHERMAN

The following delegates subsequently reported and took part in the conference:

Brown University JAMES C. DUNNING
 University of California ORRIN K. McMURRAY
 University of Chicago ERNST FREUND
 Dartmouth College FRANK A. UPDYKE
 Lehigh University JOHN L. STEWART

Mr. SCOTT. Mr. Chairman, you can see from the list of universities which I have had both the honor and the pleasure of reading, that the invitation has not been confined to any locality, but that institutions of learning in all parts of the country have been requested to participate in the conference, so that we might have the benefit of instructors not representing or being influenced by a particular locality, but, if I may say so, representatives of the views of the educated classes as a whole.

The CHAIRMAN. This is certainly a very gratifying response from the universities all over the country. It is a source of great pleasure to all of us to know that there are assembled here a body of men who are devoting themselves to the study of the great subject of international law, and international duties as well as international rights, over this broad land of ours, making themselves and educating others to be leaders of that public opinion which, rightly formed, is the only safety of democracies.

I have the list of preferences expressed by the delegates for appointment to the different committees, which I will hand to the chairman of the committee of three, and I suppose they will at once take them into consideration so as to act upon them and report to the meeting.

At the suggestion of Dr. Scott, I would like to say that it would be useful and fruitful perhaps if a general discussion might be had, or some discussion had on some of the topics that are naturally brought to the front in this general proposition of conferring upon educational

methods for the propagation of the knowledge of international law. There are many thoughts that will suggest themselves I am sure, and I have no doubt that those who think proper to address their fellows at this meeting will be heard with pleasure and profit.

Prof. JOHN D. LAWSON. May I suggest that in place of a discussion on these subjects, which are to be reported upon by the committees to be appointed, this body take a recess until the committee reporting the committees shall make its report, in order that we may have an opportunity of discussing among ourselves, perhaps, some of these points, and getting better acquainted. I therefore beg to move, sir, a recess until the committee reports.

Prof. HOYNES. I second the motion.

The motion being duly seconded was put and carried, and at 11:10 o'clock a.m. a recess was taken for ten minutes, after which the following occurred:

The CHAIRMAN. The committee of three is ready to report.

Dr. E. D. WARFIELD. Mr. Chairman, there are one or two preliminary points. In the first place, I would like to say that there are two cards handed in of persons who were not designated as representatives, and the committee, under the instructions, felt obliged to disregard their names.

With reference to the assignments, every man has been assigned to a committee, with a single exception, the committee being in doubt as to what his preference was.

The third point is, that I should like to emphasize the fact that the very large number who wish to be on Committee No. 1 made it necessary to put some of them on other committees, and it is still much the larger committee. Your committee would suggest that it will probably be desirable for those who were not present, as they come in, if they wish to be assigned to some committee, to present themselves to the Secretary, with the power in the Secretary to assign them to such committee as they may desire to serve upon.

The committees are composed as follows:

COMMITTEE No. 1.—To consider plans for increasing the facilities for the study of international law; for placing the instruction on a more uniform and scientific basis; and for drawing the line between undergraduate and graduate instruction.

WILLIAM I. HULL, Swarthmore College, *Chairman*.
 WALTER E. CLARK, College of the City of New York.
 KARL F. GEISER, Oberlin College.
 CHARLES CHENEY HYDE, Northwestern University.
 RALEIGH C. MINOR, University of Virginia.
 JESSE S. REEVES, University of Michigan.
 LEO S. ROWE, University of Pennsylvania.
 WILLIAM A. SCHAPER, University of Minnesota.
 GORDON E. SHERMAN, Yale University.
 FRANK H. WOOD, Hamilton College.

COMMITTEE No. 2.—To consider the question of requiring a knowledge of the elements of international law for candidates for advanced degrees.

GEORGE H. BLAKESLEE, Clark University, *Chairman*.
 JAMES W. GARNER, University of Illinois.
 STANLEY K. HORNBECK, University of Wisconsin.

COMMITTEE No. 3.—To consider the advisability of urging all institutions with graduate courses in law to add a course in international law where not already given.

JAMES F. COLBY, Dartmouth College and Boston University,
Chairman.
 F. H. HODDER, University of Kansas.
 WILLIAM HOYNES, University of Notre Dame.

COMMITTEE No. 4.—To consider the advisability of calling the attention of the State bar examiners to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar.

JOHN D. LAWSON, University of Missouri, *Chairman*.
 CHARLES J. HERRICK, Union College.
 EDWIN MAXEY, University of Nebraska.
 H. A. NIX, University of Georgia.
 SAMUEL P. ORTH, Cornell University.

COMMITTEE No. 5.—To consider the advisability of requesting the American Bar Association, through its appropriate committee, to consider the question of including the study of international law in its recommendations for a deeper and wider training for admission to the bar.

EDWARD C. ELIOT, Washington University, *Chairman*.
 FRANCIS N. THORPE, University of Pittsburgh.
 EUGENE WAMBAUGH, Harvard University.

COMMITTEE No. 6.—To consider the desirability and feasibility of plans for securing the services of professors of or lecturers on international law to whom can be assigned definite lecture periods in institutions where international law is not now taught or is inadequately taught—the services to rotate between institutions where they will be acceptable.

PHILIP BROWN, Princeton University, *Chairman*.

ARTHUR I. ANDREWS, Tufts College.

JAMES M. CALLAHAN, West Virginia University.

FRANCIS W. DICKEY, Western Reserve University.

ARTHUR T. PRESCOTT, Louisiana State University.

E. D. WARFIELD, Lafayette College.

COMMITTEE No. 7.—To consider the advisability of requesting universities which now have summer schools to include among the subjects offered courses on the elements of international law, and, if there be occasion for it, to offer advanced courses of interest and profit for advanced students and instructors.

WILLIAM R. MANNING, University of Texas, *Chairman*.

F. W. AYMAR, University of New York.

The CHAIRMAN. Gentlemen, you have heard the suggestions of the committee of three as to the membership of these special important committees. It is before the meeting for approval.

Dr. WARFIELD. I move that the report be received and that its recommendations be adopted.

The motion, being numerous seconded, was put and carried.

Mr. SCOTT. Might I suggest, without meaning to make a motion of adjournment, that at the adjournment this morning the members of the committees should make arrangements as to the time of meeting, so that quarters may be supplied for them. And might I make the further suggestion that if it be the desire of the conference to report Saturday morning instead of Friday afternoon it would be very agreeable to the Society, because a report that was to be taken up Saturday morning will not be discussed, so that that time is free. I thought perhaps that the committees would prefer to have a longer time to reflect upon and discuss these important matters.

Prof. HOYNES. I fully agree with Dr. Scott. I think Saturday would be a better time, as we wish to hear the proceedings of the Society.

The CHAIRMAN. If that be the wish of the gentlemen present, and if it be indicated by a motion that they prefer Saturday morning to the date suggested—Friday afternoon—we can entertain it now, so that it may be understood what the decision is.

Dr. WARFIELD. I move that the time of the report of the committees be changed from Friday afternoon until Saturday morning at the hour indicated.

Prof. HOYNES. I second that motion.

Dr. WARFIELD. I am one of those people that are used to making plans for meetings, and I always like to know what is in the minds of people who are making arrangements. I gather from the program that tomorrow afternoon will be free, and if it is desired to have a meeting tomorrow afternoon it is entirely agreeable to have it.

Now, if I may, as a representative of the committee, suggest a point. It is quite obvious to me, and I think to every member of the committee, that the interest of those who reported and made requests is largely on proposition No. 1, and I think it would be generally agreed that proposition No. 1 is the one of the greatest interest, and the one which will require more discussion, probably, while the others will very largely be in the nature of having a report made, which will probably fall upon the chairman of the committee to write. I will venture to throw out this inquiry, whether it might not be well, then, to set tomorrow afternoon for an opening meeting of Committee No. 1, the committee to bring forward what it has tried to consider, to lay it open for discussion and consideration, and then to have further opportunity to consider its work in the light of what may be produced at that meeting; for, certainly, No. 1 is the crux of the whole matter, as far as the interest on the subject to the schools and colleges of our country is concerned. I venture that suggestion.

The CHAIRMAN. Is there anything else to suggest in the light of what has been said?

Prof. HOYNES. It occurs to me that we all ought to be present when this subject is discussed, the subject which is referred to by the chair-

man of the first committee; and under the arrangement suggested it will be practically impossible to attend to the duties assigned to us and yet be here, and consequently getting together as was suggested by Dr. Scott. It appears to me that we ought either to fix Friday for the continuance of our work or the taking up of the suggestions, or Saturday morning. The Doctor suggested that we had three hours on Saturday morning. It appears to me we can go over the entire work by that time.

Consequently, I stand by the first resolution.

The CHAIRMAN. Of course this matter is for the delegates themselves. It is the understanding of the chair, from what has been said among the delegates, that if one or more committees are ready to report, the conference should meet on Friday afternoon to receive the report, and that would give more time and more leisure on Saturday for the discussion of what may prove to be of more importance, or the reports of committees which would present matters that require longer discussion before the whole conference. The committees that have already reported, of course, would be free to attend the meeting on Saturday morning, or at any other time after they have reported, as you have suggested, Mr. Hoynes.

Prof. HOYNES. Pending the assignment of quarters, I would suggest that the committees meet immediately on the adjournment of this morning's session in different parts of this hall.

Prof. ROWE. I think the suggestion that the committees get together here in this room in an informal way this morning is an excellent one.

The CHAIRMAN. If there is nothing to prevent that, I suppose each committee will get together as soon as possible after the adjournment, which will take place, I presume, in a short time.

As I understand the proposition before the delegates, any committee or committees that are ready to report on Friday afternoon may call a meeting. I will say that a meeting is to be had at that time to which they may make their report and thus be relieved of further delay in the matter, and be able to take part in the general discussion of subjects that are in the hands of other committees that have required

more time. If there is any objection to that suggestion or plan it can be made now. If not, it will be understood now that that is the plan.

Prof. ROWE. It seems to me that we ought to have a very definite understanding as to what to expect before we adjourn. I understand Mr. Warfield made a motion that we postpone the report of the committees until Saturday morning.

Dr. WARFIELD. I made that motion, and it has not yet been put.

The CHAIRMAN. I beg your pardon. I had forgotten that that motion was before the meeting.

Prof. ROWE. It seems to me that if we leave it so that we will have a meeting on Friday afternoon if perchance anybody should be ready to report at that time, we would have no meeting at all.

The CHAIRMAN. The chair, of course, has no opinion to express about that; it is a matter for the delegates. I had overlooked the fact that Dr. Warfield's motion was before the meeting, and that it provides that the reports should all be made on Saturday morning.

Prof. FRANK H. WOOD. In order to bring the matter to a definite point, I move as an amendment to Mr. Warfield's motion the suggestion that he subsequently made, namely, that Friday afternoon be made a special order for the report of Committee No. 1.

The motion was duly seconded.

The CHAIRMAN. Are you ready for the question on the amendment?

Prof. GORDON E. SHERMAN. How many are expected to be here, Mr. Chairman? Are all the committees expected to be present when Committee No. 1 reports? It is a question whether each committee should not meet and agree on the report to be made. If Committee No. 1 is to report here, all the other committees ought to be present to hear what the report is; and I think that ought to be settled and understood before we act definitely in regard to it.

Mr. SCOTT. I was going to take the liberty of expressing the desire on the part of the officers of the Society that all the members of the conference should be present at the presentation of each and every report, so that they might be discussed and perhaps amended, in various particulars, and be put in form for adoption by the conference, not merely by a particular committee thereof, but as a statement of its views on the point under discussion.

I would state, however, that you should not deprive yourselves of the largest amount of time at your disposal, so that you may be quite sure that the conclusions you have reached are those by which you will stand, rather than be impressed with the hope that they should be amended at some later time. If you believe that Friday afternoon will give you ample time, I will ask you to say so, so that it can be distinctly understood by all the members here. If you prefer, however—and it is for you to determine—Saturday morning, have that settled. If, as a matter of fact, you should prefer to continue the discussion Saturday afternoon, that will be agreeable to us. But just make your arrangements so that all may be present when anything is discussed.

Prof. EUGENE WAMBAUGH. I was disturbed as to the time when these committees should meet to discuss the matters assigned to them, and I cannot help wondering whether it would not be a good thing for the divisions, so to speak, to meet tomorrow afternoon at four o'clock to allow the subcommittees to meet between half past two and four, and then perhaps some of them will be able to report progress at four o'clock to the whole division.

A MEMBER. Will we not be in a better position to settle this twenty-four hours from now when we have reported that a committee is ready to report?

The CHAIRMAN. The question is upon the amendment that has been proposed by Dr. Warfield's motion. Will you please repeat that amendment, Mr. Wood?

Prof. WOOD. It was that the meeting on Friday afternoon be devoted to a consideration of the report of Committee No. 1. I recalled, however, after making the motion, it was suggested that after a free discussion here on Friday afternoon upon that subject the com-

mittee might wish to consider further and might wish to make an additional report on Saturday. Without embodying it properly in the motion, I cordially approve of that suggestion.

The CHAIRMAN. You have heard the amendment, and it has been duly seconded.

The motion for the adoption of the amendment was put and carried.

The CHAIRMAN. The question now recurs upon the original motion as amended.

The question on the original motion as amended, having been duly seconded, was put and carried.

Prof. ROWE. Would it be in order to request the Secretary to designate different parts of the room in which the committees should assemble immediately after the recess this morning. The difficulty is that the members are not acquainted with the names of their fellow-members.

Mr. SCOTT. (Indicating pillars in the room.) Post No. 1, 2, 3, 4, 5, 6, 7. That is a simple matter.

The CHAIRMAN. That is a good suggestion.

Prof. HOYNES. I think we are "posted" in regard to the matter, now.

Dr. WARFIELD. I would like to say that the Chairman has indicated one order of counting, and the Secretary the other.

Mr. SCOTT. Let post No. 1 be to the right hand of the Chairman.

The CHAIRMAN. Are there any motions to be made or suggestions before we adjourn?

If not, I would like to call on his excellency the Ambassador from Brazil, for a few remarks, as he is a guest of the Society.

REMARKS OF HIS EXCELLENCY, MR. D. DA GAMA,
Ambassador from Brazil.

Mr. Chairman and Gentlemen: I deeply appreciate the honor that is bestowed upon me by the chair of addressing such a learned body.

It gives me an impression of my college days when I often arose to address an assembly without any thought but of good will towards my companions.

Gentlemen, I am not a lawyer; I am not a jurist. I have simply practised international law, with a great respect for it and with the sentiment that there was an international law, and that my acts in some cases might be tested by the rules of the law of nations. I believe in a concrete international law. I believe in the sentiment that seeks to embody its exposition into a real code of the law of nations.

When I arrived in the United States I thought that Mr. Scott was running a journal as an organ for an international law that did not exist. Now I believe that there are more men than Mr. Scott in the United States who believe in international law.

I believe in international law, myself, in moments like this—a dramatic moment for the international politics of our government. Every man here is speaking of abstract questions, speaking in general terms, trying to settle rules and laws for future generations; but I think that I am also justified in saying that every one is thinking of the fact that at this moment the United States is testing its power to create an international rule in America. I can not discuss the political question, but I think that, as Senator Root so wisely said in opening this meeting, there are times when we feel the need of the belief, and the belief well founded in fact, that there must be a law of nations.

We Brazilians defended the equality of nations at The Hague. We said there were no small nations. It seems to me that one of the points that should be impressed upon the minds of the youth—since I am speaking to teachers, to educators of the national mind upon a certain definite branch of knowledge,—the notion that should be impressed upon the boys of the United States, is that all nations are equal in law and that there are neither small nor large Powers in the Society of Nations; that the respect of foreign rights corresponds to the claim for respect of national rights; that to every right corresponds a duty; and that international law simply defines the limits of international rights.

They say that in South America we make too much fuss about international law. It is perhaps an idealistic view of human purposes and dealings; but, really, we think that the law of nations is one of our safeguards in international life, and we have been studying it with

a sense of dignity and respect for other countries and respect for ourselves.

I am afraid I am speaking too long to you who know that so well, but my words are intended to show you the sympathy with which I follow your labors in the field of international law and to wish you pleasant occupation and the best results from it, so that it may justify your purpose of being the leaders of civilization in America.

Gentlemen, I thank you.

The CHAIRMAN. Is there any further business before the meeting at this time? If not, a motion to adjourn is in order.

On motion, duly made and seconded, a recess was taken until 2:30 o'clock p.m.

SECOND SESSION

Friday, April 24, 1914, 2:30 o'clock p.m.

The conference was called to order at 2:30 o'clock p.m., Mr. JAMES BROWN SCOTT presiding.

The CHAIRMAN. Gentlemen, when we adjourned yesterday morning it was with the understanding that the committees which had terminated their labors should report this afternoon, leaving longer time to the committees that were not in a position to report, that is to say, to postpone the reports of such committees until tomorrow morning. The American Society of International Law was very happy to welcome you here and the appreciation of your conference was voiced by Mr. Root as President of the Society. Permit me to express again our sense of appreciation and the hope, if I dare not say belief, that the result of the labors of the conference will be of very great interest and advantage to international law in the United States.

Without further introduction I call upon any committee that is prepared to report.

REPORT OF COMMITTEE NO. 1.

Prof. HULL. Mr. Chairman, Committee No. 1 has done me the honor of asking me to serve as its chairman, and in that capacity I would like to report several recommendations from the committee as a whole.

In the first place, our committee has decided to recommend to the conference that a committee of revision should be appointed for the consideration, or rather for the drafting, of the various propositions which will be made to the conference by the various committees. Of course, it seemed to the committee that the substance of the various suggestions should be discussed and agreed upon or rejected by the conference as a whole, but that a committee of revision should take the work of the conference and put the suggestions into better form than it is possible for them to be submitted within so short a period as we have had.

In the second place, our committee voted to recommend to this conference that the conference of teachers of international law should become a section of the American Society of International Law. I suppose that we would have to go from our conference to the Society, and that the recommendation then would be that we request the American

Society of International Law to accept this conference on the teaching of international law as a section of the Society itself.

Your Committee No. 1 felt that the work assigned to it was so wide in its scope and so very important that it voted to subdivide the committee into three subcommittees, each subcommittee taking up one of the three phases in resolution No. 1. The first subcommittee is to consider the plans for increasing the facilities for the study of international law; the second subcommittee for placing the instruction on a more uniform and scientific basis; and the third subcommittee for drawing a line between undergraduate and graduate instruction.

I am instructed by our committee also to say that it received such encouragement from the possibility of procuring the generation of the Carnegie Endowment that it went ahead and set a plan which, without such coöperation, the committee felt it would be utterly impossible for this conference or for the Society of International Law at present to accomplish. The committee felt that this preliminary statement should be made so that you might understand from the start why it was that I appeared so apparently bold as to outline such a plan as we have to you.

Members of the subcommittees will present these specific plans. I, Professor Minor, as chairman of the first subcommittee, will make a report for his subcommittee.

REPORT OF THE FIRST SUBCOMMITTEE OF COMMITTEE NO. 1

ALEIGH C. MINOR. Gentlemen of the conference: With plans for increasing the facilities for the study of international law, the committee recommends the following:

I. Library and Reference Facilities

There should be a carefully prepared bibliography of international law and subjects to be published, with names of publishers and prices, if possible, may be, with especial reference to the needs of poorer countries.

There should be published likewise a carefully prepared index or list of the various heads and sub-heads in international law, with references to all standard sources of authority upon each head.

There should be published in as cheap a form as possible all documents, both foreign and domestic, especially Latin American, relating to international law, including the documents relating to the announcements of state policy and diplomatic correspondence. That the aid of the State Department be solicited in securing such foreign documents for publication.

At short intervals a bulletin be published, containing excerpts from the Congressional Record and other current sources, giving re-

liable information upon international questions arising from time to time and the final disposition of such questions.

5. That a law reporter of international cases be issued.

II. *Extension of Study of International Law*

The knowledge of international law may be extended in three ways: By increasing the number of schools at which such courses are given; by increasing the number of students in attendance upon the courses; and by diffusing the knowledge of its principles in the community at large.

As to the first, in addition to the measures already recommended, which the committee hopes will encourage more colleges to take up the study, it is suggested that the conference pass the following resolution and that a copy of the same be sent to each college and university in the country:

Resolved, That as the idea of direct government by the people grows, it becomes increasingly essential to the well being of the world that the leaders of opinion in each community should be familiar with the rights and obligations of states with respect to each other as recognized in international law, and hence it has become a patriotic duty resting upon our educational institutions of college grade to give as thorough and as extensive courses as possible in this subject.

With respect to the increase in the number of students taking such courses, the committee believes:

(a) That a course in international law, where possible, should consist of at least one year's course divided between international law and diplomacy.

(b) That prominent experts in international law be invited from time to time to lecture upon the subject at the several institutions.

Prof. HULL. Mr. Chairman, is it your desire that the complete report from our committee be presented before discussion?

The CHAIRMAN. I think it would be wise to have the report of each committee presented as an entirety before beginning the discussion; otherwise, the conference will not have an idea of the proper interrelation of each of the subjects mentioned and recommended. If it be the desire of the conference I shall request Professor Hull to proceed.

Prof. HULL. I desire to ask Professor Sherman to present the report of the second subcommittee.

REPORT OF THE SECOND SUBCOMMITTEE OF COMMITTEE NO. 1.

Prof. SHERMAN. The report of this committee has to do with the placing of instruction in international law on a more uniform and scientific basis, and the committee ventures to make the following recommendations:

I. In the teaching of international law emphasis should be laid upon the positive nature of the subject and the definiteness of the rules.

Whether we regard the teaching of value as a disciplinary subject or from the standpoint of its importance in giving to the student a grasp of the rules that govern the relations between nations, it is important that he have impressed upon his mind the definiteness and positive character of the rules of international law. The teaching of international law should not be made the occasion for a universal peace propaganda. The interest of students and their enthusiasm for the subject can best be aroused by impressing upon them the evolutionary character of the rules of international law. Through such a presentation of the subject the student can be made to see how the development of positive rules of law governing the relations between states has contributed toward the maintenance of peace.

II. In order to emphasize the positive character of international law, the widest possible use should be made of cases and concrete facts in international experience.

The interest of students can best be aroused when they are convinced that they are dealing with the concrete facts of international experience. The marshalling of such facts in such a way as to illustrate general principles lends a dignity to the subject which can not help but have a stimulating influence.

Hence, international law instruction should be constantly illustrated from those sources which are recognized as ultimate authority, such as: (a) cases, both of judicial and arbitral determination; (b) treaties, protocols, acts and declarations of epoch-making congresses (Westphalia, 1648; Vienna, 1815-23; Paris, 1856; London, 1909); (c) diplomatic incidents ranking as precedents for action of international character; (d) the great classics of international law.

III. In the teaching of international law care should be exercised to distinguish the accepted rules of international law from questions of international policy.

This is particularly true of the teaching of international law in American institutions. There is a tendency to treat as rules of international law certain principles of American foreign policy. It is im-

portant that the line of division be clearly appreciated by the student. Courses in the foreign policy of the United States should therefore be distinctly separated from the courses in international law, and the principles of American foreign policy, when discussed in courses of international law, should always be tested by the rules which have received acceptance amongst civilized nations.

IV. In a general course of international law the experience of no one country should be allowed to assume a consequence out of proportion to the strictly international principles it may illustrate.

V. Specific training for the teaching of international law.

A major in international law in a university course leading to the degree of doctor of philosophy should be followed, if possible, by a residence at The Hague and attendance upon the Academy of International Law which is about to be established in that city. This highest international institution for developing a knowledge of international law was initiated at the Second Peace Conference at The Hague and has come into being largely through the efforts of the President and Recording Secretary of the American Society of International Law. No better means could possibly be devised for affording a just appreciation of the diverse national views of the system of international law or for developing that "international mind" which is so essential in a teacher of that subject. It is therefore the conviction of this conference that as many fellowships as possible should be established in the Academy at The Hague, and especially for the benefit of prospective American teachers and practitioners of international law.

VI. The place of international law in the college or university curriculum.

It is the conviction of this conference that the present development of higher education in the United States and the place which the United States has now assumed in the affairs of the society of nations, justifies and demands that the study of the science, and of the historic applications, of international law shall take its place on a plane of equality with other subjects in the college and university curriculum, and that professorships or departments devoted to its study should be established in every institution of higher learning. The experience with political science and political economy, both of which subjects have been accorded a place of equality, but both of which have achieved this place within a comparatively recent period, affords a precedent for a similar development in the teaching of international law.

Prof. HULL. May I ask that we now have the report from our third subcommittee, to be presented by Professor Reeves.

REPORT OF THE THIRD SUBCOMMITTEE OF COMMITTEE NO. 1.

Prof. JESSE S. REEVES. Mr. Chairman and Gentlemen: I may say that the work of the third subcommittee we found fitted in closely with the work of the first and second subcommittees, whose reports you have heard.

Assuming that the undergraduate curriculum provides for a course or courses in international law, as provided for by the report of the subcommittee No. 1, your subcommittee suggests that graduate instruction in international law concerns three classes of students:

First, graduate students in law;

Secondly, graduate students in international law and political science;

Thirdly, graduate students whose major subjects for an advanced degree are in other fields, that is, in history or in economics.

As to the first two classes, the graduate students have a direct professional interest in international law, many of them having in view either the teaching of the subject or engaging in active practice, or the public service. Therefore, we recommend as to those who would fall within the first two classes that the graduate work offered should be distinctively of original and research character, somewhat as outlined by the report of the second subcommittee; such work of training and research to follow upon a thorough training in the fundamental principles of the subject, as outlined by the report of subcommittee No. 1, that is, in either course or courses open to undergraduates.

As to those in the third class, however, a different situation presents itself, but the subcommittee felt that a knowledge of international law is of particular advantage to students of American history, and that therefore encouragement should be lent to graduate students in American history in the way of getting hold of some fundamental principles of international law. But, obviously, their major interests, lying elsewhere, the same kind of work, perhaps, could not be expected of them. At least, there might be in addition courses such as have been outlined for undergraduates covering at least one year's work in diplomacy and international law. There might well be an intermediate course, let us say, a more detailed course of purely graduate nature, a year, possibly, not one based wholly upon methods of original investigation or of research.

Prof. HULL. Mr. Chairman, this completes the report of Committee No. 1. May I say, in conclusion, that your committee and its several sub-committees have worked pretty hard and carefully over this matter and have had a number of sessions, and although they realize it is a

high standard which they have asked you to adopt, they believe that the time has fully come when every one of these steps should be taken.

The CHAIRMAN. Gentlemen, what is your pleasure? Shall we proceed to the discussion of the report of each subcommittee, considered as an entirety and as a sufficient part of a whole, or shall we proceed to the specific discussion of each recommendation in the order in which it was read?

Prof. HOYNES. Mr. Chairman, if it is not out of order for me to arise to respond to your question, it appears to me that if the other reports be read, although tomorrow was the day fixed for their presentation, it would enable us to concatenate them. It appears to me, Mr. Chairman, that the matter outlined by Committee No. 1 covers practically the work of the entire conference, and consequently if we could hear the other reports we would know how they fit in or supplement or develop the thoughts just stated by the committee that has reported to us. So, if they are ready, I think we ought to hear from them; if not, we might discuss the present report.

The CHAIRMAN. The chair would like to know the pleasure of the conference. Is it the desire to have each committee present a report in turn, and after the full reports have been read before the conference, to proceed to the discussion of each of the recommendations?

Prof. WOOD. I think the view of the chairman of each of the other committees might determine us in regard to that. We do not know, in the first place, whether any other committee is ready to report, and, in the second place, we do not know how the report of each committee may affect them; and therefore we should ask for the views of the chairmen.

The CHAIRMAN. If there be no objection, might I call upon each committee in its numerical turn?

Is Committee No. 2 ready to report?

Prof. STANLEY K. HORNBECK. I seem to be the only member of the committee present. The committee has come to its conclusion in regard to the matter, but I should much prefer that the matter be presented by Prof. Blakeslee, who is acting as chairman.

The CHAIRMAN. Without passing upon that matter just at present, the Chairman will ask if Committee No. 3 is ready to report?

Prof. JAMES F. COLBY. The committee is ready.

The CHAIRMAN. Committee No. 4?

Prof. LAWSON. The committee is ready.

The CHAIRMAN. Committee No. 5?

Prof. EDWARD C. ELIOT. That committee is ready to report.

The CHAIRMAN. Committee No. 6?

Prof. PHILIP BROWN. Mr. Chairman, I would just like to support the remark of Prof. Hoynes. We find that Committee No. 1 has been very catholic and conclusive in its labors, and as the findings of our committee would have a certain subordinate relation, perhaps, to the report of Committee No. 1, it would be very difficult to report at this time.

The CHAIRMAN. Committee No. 7? Is the chairman of Committee No. 7 present, or is there any member of it here?

(No response.)

The CHAIRMAN. Then, gentlemen, is there any objection to the procedure outlined by Prof. Hoynes and seconded by Prof. Brown? If there be no objection, the chair will consider that method as the desire of the conference. (After a pause) The chair hears no objection; therefore, each committee prepared to report will be called upon in turn.

Committee No. 2.

Prof. HORNBECK. Is it desired that I report in the absence of the chairman of the committee? It was not understood, I think, that reports were to be presented at this session of the conference.

The CHAIRMAN. The chair would suggest that you present a brief statement of the conclusions of Committee No. 2, leaving the committee free to bring in its formal report, either later in the afternoon or tomorrow morning, as it appears to be the desire of the conference to be informed of the general nature of the report of each committee before embarking upon any detailed discussion. If there be no objection to that ruling, the chair will ask Prof. Hornbeck to come forward and to present what he considers to be a preliminary report.

Prof. HORNBECK. Mr. Chairman and gentlemen of the conference: I have in hand a draft of the report, but as the two senior members of this committee are absent and I have not checked this up finally, I shall summarize it, as I suppose it is merely your wish to get at the conclusions of the committee.

The question which was submitted to us to consider was the question of requiring a knowledge of the elements of international law for candidates for advanced degrees.

After some discussion of the question, we agreed substantially to recommend that colleges and universities offer in their graduate school a course in international law; but we were averse to recommend it either for all candidates or any candidate for an advanced degree. That is, to recommend that it be made a required subject of graduate schools.

However, we do not consider that that by any means disposes of the question, and we proceeded to agree upon a recommendation that a letter be sent out, with the authority of this conference, urging upon both faculties and graduate students to give due consideration to the great and growing importance of this subject. To our minds, at least, all students working in those fields, which are generally grouped under the term "social science,"—by which we mean specifically, political science, law, political economy, history and sociology—ought to have a knowledge of international law and we believe that this conference should recommend that greater consideration be given to the importance of this study than has been heretofore given. We also agreed that such a letter be drafted by the Secretary of the Society and sent to all of the professors of these subjects in the colleges and universities of the country.

Finally, we would suggest that an article by Senator Root, which appeared in the first number of the American Journal of International

Law, upon the importance of the study of international law, be reprinted, if possible, and sent out accompanying this letter.

Those are the three things which we would recommend in connection with this question.

The CHAIRMAN. Might the chair ask Prof. Hornbeck if his committee would have any objection to enlarging the recommendation a little by the inclusion of Mr. Root's address on opening the conference? It is true that Mr. Root's paper referred to, which appeared in the first number of the American Journal of International Law, pointed out the advantages, indeed the necessity, of a wider knowledge of international law; but his address on opening the conference left generalities and went into details, and if it be not considered inappropriate for the chair to take part in the proceedings of your committee, I would like to suggest that, in addition to the first article referred to, Mr. Root's address on opening the conference be likewise included in the recommendation. I would ask, if there be no objection, that your committee consider that recommendation.

Prof. HORNBECK. For my part, I would answer that the committee would be very glad indeed to entertain that suggestion.

The CHAIRMAN. Committee No. 3.

REPORT OF COMMITTEE NO. 3.

Prof. JAMES F. COLBY. Mr. Chairman, the subject referred to your committee was of very limited character and comprises the question of the advisability of urging all institutions with graduate courses in law to add a course in international law where not already given.

In view of the circumstances that whatever answer be given to this particular question by your committee and approved by the conference, it would naturally be embodied as a part of the proposal of Committee No. 1, it seemed to the members of this particular committee that it would discharge its duty in such wise as to facilitate business if it limited itself to stating its conclusion in the form of a simple resolution. On behalf of the committee, therefore, I move the following:

Resolved, That in view of the increasing importance of a knowledge of international law to all persons who plan to devote themselves to the administration of justice, and who, through their professional occupation, may contribute largely to the formation

of public opinion, and who often will be vested with the highest offices in the State and nation, this conference earnestly requests all law schools which now offer no instruction in international law to add to their curriculum a thorough course in that subject; and it also urges all institutions which now offer any other graduate courses in law to make ample provision for an advanced course in international law.

The CHAIRMAN. Committee No. 4.

REPORT OF COMMITTEE No. 4.

Prof. JOHN D. LAWSON. Mr. Chairman and Gentlemen: When we were requested to state our preference as to the committees we would serve on, I at once put down for myself Committee No. 4, because I felt that from my experience as a teacher in the State law school for more than twenty years it was most important that the subject of bar examinations should be considered by this conference, and that its importance should be realized.

Of course we who are many years out of law schools had never heard of such a thing as studying international law a quarter of a century ago, and it was not until about fifteen years ago that I happened to get hold of a first edition of Mr. Lawrence's book. I read it with a great deal of interest, and then I read more on the subject, and I finally brought the question before our faculty to see if we could not have international law a subject in our school. We did so, and made it a required subject. While the course was rather elemental at first, consisting of lectures, in a year or two we had references to Scott's *Cases on International Law*. It excited a great deal of interest among our students, and the full senior class got a fair instruction in the subject.

When we, a few years ago, extended our course to three years, it was found that we had to have some lectures, and it was thought it would be necessary to put those things on the lecture course which were not required for the bar examination; because you know, gentlemen, that in our State schools in the West, and I suppose it is the same way with most other schools, the students are going to the bar. We do not train teachers in our schools. Every man expects to go to the bar. As soon as we made the course elective, the class of fifty or sixty at once fell to five or six, because the men felt that they must devote their time to those subjects which they would have to pass in the bar examinations. I was rather amused the first year at the condition. We had a course on insurance, which was elective, as was also the course on international law, and the class in insurance numbered about forty and the class in international law about five or six. The reason was, the young men were going to the bar at once, and wanted

to earn their daily bread, and they felt that insurance was a practical field and that international law was not.

The committee, however, having considered the subject, are agreed that it is most important that this particular resolution shall be passed, for if you are going to have a knowledge of international law diffused among the bar it will have to be done in this way, because only a small proportion of those who take the bar examinations come from the recognized law schools.

Then, you must consider how largely public opinion of the day is made by the lawyers of the community, especially in the smaller towns of the country. If, for example, today there were a subject presenting itself to our people throughout the country in regard to our foreign relations, there would be town meetings called in the court house or in the public hall, and it would be the lawyer that would be called upon to express his opinion on the subject.

Therefore, our committee has unanimously reported this resolution:

Your Committee No. 4 recommends the following resolution:

That the attention of the State bar examiners and of the bodies whose duty it is to prescribe the subjects of examination be called to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar, and that they be urged to make international law one of the prescribed subjects.

Sometimes in the State statutes regarding admission to the bar, the matter of the subjects is left to the bar examiners, but in many States, as in Missouri, the subjects are prescribed by the Supreme Court; so it is not only to the bar examiners, but to the Supreme Courts of the States, that this resolution should be addressed.

The CHAIRMAN. We are ready to hear from Committee No. 5.

REPORT OF COMMITTEE NO. 5.

Prof. E. C. ELIOT. Gentlemen, the subject of this committee is closely allied to that of Committee No. 4, and relates to the requirements for admission to the bar. The committee on the advisability of requesting the American Bar Association, through its appropriate committee, to consider the question of including the study of international law in its recommendations for a deeper and wider training for admission to the bar, recommends the adoption of the following resolution:

Resolved, That this conference on the teaching of international law requests the American Bar Association to take appropriate

action toward including international law among the subjects taught in the law schools and required for admission to the bar.

I may say that one of the members of the committee had heretofore taken considerable pains to look into the question of how far international law has entered into the subject of judicial determination, particularly in our Federal courts, and that if he were to speak on the subject I am satisfied he would say that investigation in that respect convinces him that every lawyer ought to have some knowledge upon this subject; and the committee has made its report in this way in the hope that the conference will take the action which will result in bringing the matter to the attention of the American Bar Association.

The CHAIRMAN. We will hear Professor Brown on behalf of Committee No. 6.

REPORT OF COMMITTEE NO. 6.

Prof. PHILIP BROWN. Mr. Chairman and Gentlemen: In reporting I wish to say that the McGregor who sits at the head of this particular table is undoubtedly Mr. Warfield, but as he was unable to be here to report, he insisted, with the committee, on my acting as spokesman. I do not understand that any discussion of the report is expected this afternoon, or any statement, beyond the brief statement, that this committee has gone over individually a great many features of this question, and we have aimed only to report our conclusions, which we do, unanimously.

1. Your committee thinks it desirable, upon the initiative of institutions where instruction in international law is lacking, to take steps toward providing such instruction by visiting professors or lecturers. This instruction should be given in courses, and not in single lectures, upon substantive principles, not upon popular questions of momentary interest, and in a scientific spirit, not in the interest of any propaganda.

2. With respect to the feasibility of this plan, it is suggested that members of this Society, qualified by professional training, might be willing to give these courses, upon the invitation of the Executive Council, if some provision be made (through the establishment of lectureships or otherwise) to bear the necessary expense of the undertaking.

3. We therefore suggest that a committee, upon which there shall be adequate representation of those engaged in the teaching of international law, be appointed by the Executive Council of this Society to ascertain the institutions in need of additional instruction in international law, and endeavor to find means of affording such assistance as may be necessary to the instructing staff of the said institutions or of supplying this additional instruction by lecturers chosen by this committee and approved by the Executive Council.

4. We also suggest that steps be taken to bring to the attention of every college not offering at present instruction in international law the importance of this subject and the readiness of this Society to co-operate with such institutions in introducing or stimulating instruction.

The CHAIRMAN. Committee No. 7. If I remember aright, Committee No. 7 did not respond to the call.

Gentlemen, you have heard the reports of the different committees, or at least the reports of six of the committees. What is your pleasure? What will you do with them?

It was moved and seconded that the report of Committee No. 1 be accepted.

The CHAIRMAN. Is there any discussion?

Prof. GEORGE G. WILSON. May I ask if all of these reports may be considered by some committee, and that they subsequently be brought into harmony? There are apparently some points where there may be overlapping.

The CHAIRMAN. The chair would call to Professor Wilson's attention that before he honored us with his presence this afternoon Mr. Hull, as chairman of Committee No. 1, made a motion or declared an intention on the part of his committee to request the appointment of a revising or drafting committee.

Prof. HULL. By the Chairman.

The CHAIRMAN. By the chair, upon suggestions from the floor, the chair would add. Is there any desire for discussion? If not, the report of the Committee No. 1 will be considered as received. Is it your desire, gentlemen, to proceed to the discussion of the recommendations contained in the report of Committee No. 1?

If the chair hears no objection, we will consider it to be the desire of the conference to proceed to a re-reading and a discussion of the resolutions contained in the report of the Committee No. 1. (After a pause) There being no objection to that method of procedure, the chair calls upon Professor Hull to state the resolutions of the Committee and to open the discussion.

Prof. HULL. Our first resolution was that this conference should appoint, through its Chairman, a committee of revision for the various propositions to be presented. We make that motion.

The motion was duly seconded.

The CHAIRMAN. The committee is to consist of how many?

Prof. HULL. Seven.

The CHAIRMAN. The chair would like to suggest that that committee of seven be composed of the chairmen of the committees, and that they be appointed in order to consider the resolutions and to prepare them in final form after they shall have been adopted by the conference.

Prof. WOOD. The committee considered the matter of making the chairmen of the various committees members of this committee on revision, but felt that it might be possible that in some cases such chairmen might not be able to attend a meeting or might be so distant that it might not be feasible to work together, and that therefore it would be wiser to leave the matter to the Chairman. Of course he would be qualified to appoint the chairmen of these committees if he so desired.

Prof. HOYNES. The suggestion last made by the gentleman appears to me to be eminently sound and correct, because you ought to be able to reach the members who revise the work of the committees, at any time. They ought to be able to communicate with you. It is a very sound suggestion, I think.

The CHAIRMAN. If there be no further discussion upon the motion, we will proceed to a vote. But before doing so, the chair states it to be his intention to appoint as members of that committee the chairmen of the seven committees, in so far as they will consent to serve.

The motion, having been duly seconded, was put and carried.

Prof. HULL. The second recommendation was that this conference should request the American Society of International Law to constitute this conference a section or department of that Society.

The CHAIRMAN. Is there any second to that recommendation?
The motion was duly seconded.

Prof. WOOD. I would like to make an explanation. Someone asked just what the significance of this action was. It is significant in several directions. In the first place, it is intended to make this conference a periodical and permanent affair. We have found it profitable and inspiring. In the second place, these various recommendations from Committee No. 1 involve a very large amount of publication, which will need the direction of men who are engaged in teaching and men who will be able to do exactly what is desired and to select the sort of material they want, and to exercise control over that matter. The financial side of it promises to be cared for, but it is desired that the teachers of international law themselves shall prescribe what the publications shall be, and it was with a view of getting an organization which could fairly bring about that result that this recommendation was made.

The CHAIRMAN. Is there any desire for discussion? If not, the question will be put.

Prof. WALTER E. CLARK. I might ask, Mr. Chairman, whether the intention was not rather to request the Society to form a section or division of legal education, rather than simply to constitute this conference a section of that Society. Was it not the intent that there be formed a division on legal education, rather than that this conference constitute a division of that association?

The CHAIRMAN. I shall have to ask the mover of the resolution for an explanation.

Prof. HULL. We followed the resolution as printed in the program—the conference on the teaching of international law in the educational institutions of the United States—and the recommendation was that this conference should ask to be made a section or department of the American Society of International Law, under that name or under some other name, as might be decided upon.

The CHAIRMAN. If the chair might take part, in a very informal manner, in this discussion, the desire apparently is that the conference,

which has been considered as fruitful, should be continued, and that the teachers of international law should meet at periodic intervals, without attempting at this time to prescribe such periods. The chair understands from Professor Hull that the conference as such is to be made a section, whereas the statement of Professor Clark is to the effect that the Society of International Law should, in its discretion, acting upon the recommendation here made, appoint a committee to constitute a section of the Society of a kind calculated and qualified to carry on the work of the Society. There is a slight difference in the form, but perhaps there is no real difference in effect. It might be well to vote upon one proposition or the other, or the conference might be willing to leave it to the Executive Council of the American Society of International Law to give effect to the desire of the conference, either in accordance with the resolution of Professor Hull or in accordance with the suggestion of Professor Clark, as might appear best calculated to carry out the purpose of the recommendation? I merely make that as a suggestion, but I do not at all stand upon it.

Prof. HULL. I am sorry to be obliged to offer an apology to my committee and to this conference. I hold in my hand the substitute resolution which was adopted. Professor Clark is entirely right. We adopted the other resolution first, and afterwards substituted this one:

Resolved, That this committee support a resolution calling on the conference to request the American Society of International Law to form at this meeting a division of legal education, on lines suggested by this committee's report.

The resolution was seconded.

The CHAIRMAN. If there is no objection, this shall be considered the motion before the conference, the other one being withdrawn in peculiarly graceful and happy terms; and if there is no desire for further discussion the chair will put the question.

The resolution, having been duly seconded, was put and carried.

Prof. HULL. Our next recommendation is in regard to library and reference facilities. The resolution is as follows:

1. That a carefully prepared bibliography of international law and related subjects be published, with names of publishers and prices, so far as may be, with especial reference to the needs of poorly endowed libraries.

2. That there be published likewise a carefully prepared index or digest of the various heads and subheads in international law, with references to all standard sources of authority upon each head.

3. That there be published in as cheap a form as possible all documents of state, both foreign and domestic, especially Latin American, bearing upon international law, including the documents relating to arbitration, announcements of state policy and diplomatic correspondence; and that the aid of the State Department be solicited in securing copies of such foreign documents for publication.

4. That at short intervals a bulletin be published, containing excerpts from the Congressional Record and other current sources, giving reliable information upon international questions arising from time to time and the final disposition of such questions.

5. That a law reporter of international cases be issued.

The CHAIRMAN. You have heard, gentlemen, the resolution. What is your pleasure?

A MEMBER. I move its adoption.

The motion was duly seconded.

Prof. HOYNES. I would like to ask a question. Would the publications contemplated and suggested in the resolution read include the treaties negotiated by this country from the beginning, with brief references to the subjects covered? That would be a matter of great interest to law students, and I do not know of any that they could readily secure at the present time. They would be of great service to students in law schools and would greatly aid them in becoming familiar with the forms and phraseology of treaties and in understanding conventional international law. I would like to ask Prof. Hull whether that is contemplated.

Prof. HULL. I should say, Mr. Chairman, that the statements in this resolution would provide for that specific service if it were deemed desirable.

The CHAIRMAN. The chair would like to suggest that a collection of treaties and papers of the United States, edited by the late Mr. Malloy, in two volumes, practically covers the ground from 1776 to

1909, and that the Senate Committee on Foreign Relations has issued a supplement thereto and has, I believe, the intention of continuing to issue supplements as the number of treaties will suggest. So that that part of the work will be taken care of.

The chair understands that there is no desire for further discussion?

(No response.)

The motion on the adoption of the resolution last above recorded, having been duly seconded, was put and carried.

Prof. HULL. Secondly, the extension of the study of international law.

The knowledge of international law may be extended in three ways: By increasing the number of schools at which such courses are given; by increasing the number of students in attendance upon the courses; and by diffusing the knowledge of its principles in the community at large.

As to the first, in addition to the measures already recommended which the committee hopes will encourage more colleges to take up the study, it is suggested that the conference pass the following resolution and that a copy of the same be sent to each college and university in the country:

"Resolved, That as the idea of direct government by the people grows, it becomes increasingly essential to the well-being of the world that the leaders of opinion in each community should be familiar with the rights and obligations of states with respect to each other as recognized in international law, and hence it has become a patriotic duty resting upon our educational institutions of college grade to give as thorough and as extensive courses as possible in this subject."

With respect to the increase in the number of students taking such courses, the committee believes—

(a) That a course in international law where possible, should consist of at least one year's course divided between international law and diplomacy;

(b) That prominent experts in international law be invited from time to time to lecture upon this subject at the several institutions.

Prof. F. W. DICKEY. Mr. Chairman, may I inquire what the committee means by the expression "direct government"? Is that term general?

The CHAIRMAN. The chair would venture to suggest that the term "direct government" has no reference to any particular form or way in which such government shall be secured; but if it be necessary, there can accompany it a disclaimer of what you had in mind but did not express.

The adoption of the resolution was moved and seconded.

Prof. ELIOT. There is one line in this report the meaning of which I do not clearly understand. The recommendation of the committee is that the subject receive the attention of schools at least to the extent of devoting a year to international law and diplomacy. I think that is correct?

Prof. HULL. Yes.

Prof. ELIOT. I do not quite apprehend whether the committee means a year of exclusive study of these two subjects, that is, irrespective of any other subjects, or simply means a year's full course upon such subjects.

Prof. HULL. It was the latter.

Prof. ELIOT. Perhaps that ought to be made clear.

Prof. HULL. It ought to indeed, sir. The committee means a year's course.

The CHAIRMAN. The chair would like to express his thanks to Mr. Eliot. He had supposed the intention was otherwise.

As explained and as somewhat modified in expression, the resolution is before the conference. It has already been moved and seconded that it be adopted.

The question on the adoption of the resolution last moved, having been duly seconded, was put and carried.

Prof. HULL. The next recommendation is:

I. In the teaching of international law emphasis should be laid upon the positive nature of the subject and the definiteness of the rules.

Whether we regard the teaching of value as a disciplinary subject or from the standpoint of its importance in giving to the student a grasp of the rules that govern the relations between nations, it is important that he have impressed upon his mind the definiteness and positive character of the rules of international law. The teaching of international law should not be made the occasion for a universal peace propaganda. The interest of students and their enthusiasm for the subject can best be aroused by impressing upon them the evolutionary character of the rules of international law. Through such a presentation of the subject the student can be made to see how the development of positive rules of law governing the relations between states has contributed towards the maintenance of peace.

II. In order to emphasize the positive character of international law, the widest possible use should be made of cases and concrete facts in international experience.

The interest of students can best be aroused when they are convinced that they are dealing with the concrete facts of international experience. The marshalling of such facts in such a way as to illustrate general principles lends a dignity to the subject which cannot help but have a stimulating influence.

Hence, international law instruction should be constantly illustrated from those sources which are recognized as ultimate authority, such as: (a) cases, both of judicial and arbitral determination; (b) treaties, protocols, acts, and declarations of epoch-making congresses (Westphalia, 1648; Vienna, 1815; Paris, 1856; London, 1909); (c) diplomatic incidents ranking as precedents for action of international character; (d) the great classics of international law.

III. In the teaching of international law care should be exercised to distinguish the accepted rules of international law from questions of international policy.

This is particularly true of the teaching of international law in American institutions. There is a tendency to treat as rules of international law certain principles of American foreign policy. It is important that the line of division be clearly appreciated by the student. Courses in the foreign policy of the United States should therefore be distinctly separated from the courses in international law, and the principles of American foreign policy, when discussed in courses of international law, should always be tested by the rules which have received acceptance amongst civilized nations.

IV. In a general course of international law the experience of no one country should be allowed to assume a consequence out of proportion to the strictly international principles it may illustrate.

The CHAIRMAN. You have heard the recommendation, gentlemen. What is your pleasure?

Prof. HOYNES. I do not wish to appear critical at all, but it appears to me that the latter part of the resolution there read is rather didactic in form. It appears to me to be out of place to state it in the way in which it is stated. I have no objection to the spirit of it, but I think that there is ground for objecting to the didactic form of it; that is, stating that this or that method of teaching would lead to such and such consequences. I leave it to the good judgment of the conference whether that is proper.

The CHAIRMAN. The chair would make the suggestion that the remarks of Mr. Hoynes on this point be conveyed to the Committee of Revision for its consideration in the final draft. I think that would meet with your desire?

Prof. HOYNES. That would be sufficient, yes.

The CHAIRMAN. Is there any further discussion?

Mr. FENWICK. Is it permitted of one who is not a delegate to make any remarks?

The CHAIRMAN. The question has not arisen, and if you will continue your remarks it will not be decided until after you have spoken.

Mr. FENWICK. It seems to me, sir, that attention might be called to the difference between the course in international law as given in a law school and the course as given in a department of political science in a college or graded university course. The aim of the teaching in the two schools is quite distinct, and the use of the case-book in the law school may be much more free and of much more advantage than in the department of political science. In the law school the student is primarily interested in the prevailing theory of international law, or the actual theory in force at the present day. Tradition and custom and the growth of the law are not of so much importance to him. Consequently, the case-book system may be much more widely used to advantage, because the student is primarily interested in knowing just how the court will treat of certain questions if they arise.

On the other hand, in the department of political science, a professor may be interested in showing the growth of the law and how certain accepted rules at the present day have little by little come into force, first through usage and then through custom, and in showing the principles of international law and the way in which they have grown and developed and the probable lines along which they will follow.

I think it would be a mistake if too much emphasis were laid on the case-book system in courses given in the department of political science. If you will notice, in running through a large case-book, you will find that probably one-third of the whole field is covered by cases, and in many instances the other two-thirds are touched upon only very little and incidentally. Consequently the student comes away with a very inadequate knowledge of international law.

A large part of international law never comes before the courts. As a matter of fact, international law only comes directly before the courts in a very few instances, and consequently you might go through a whole case-book thoroughly and yet the student may come away with a very inadequate knowledge of a large part of international law which has developed from custom and treaty, little by little, but which has never come before the courts.

I suggest that perhaps that difference in the method of teaching international law might be pointed out in the resolution.

Mr. REEVES. Mr. Chairman, I am very much interested in the teaching of international law, not only to law students, but to students in political science work, and I was very much pleased that the committee did stress the teaching by means of the case-book, or at least did give importance or emphasis to the case system in the teaching of international law. While I agree with what the last speaker has said with reference to the fact that adjudicated cases do not cover, by any means, all of the subjects of international law, yet, after all, it seems to me that a discussion of the difference between an inductive way of getting at the thing and a deductive way is to go back into the very old discussions of methods of legal training. I think there is one thing necessary in the teaching of international law to students of political science, which is that they get for a little while, even if they should lose it soon, a legal way of looking at things. I should deplore very much this conference going on record in such a fashion as to fail to emphasize the

importance of the inductive methods in the teaching of international law, even for those who are not professional students of law and never intend to be.

I realize that perhaps it is not easy to make a contact, particularly with undergraduates in political science, with this system of teaching international law, but I consider that the mental training which undergraduate students get by means of the case system of teaching international law is an invaluable mental training. I have seen courses in international law, largely didactic, conducted by means of lectures and by the use of case-books, which—it may have been the fault of the teacher—acquired the reputation of being a “snap.” I know in my own days as an undergraduate that what little international law was given had the reputation of being a snap course.

As I take it, international law is being taught everywhere in this country with the idea of developing independent judgment on the part of young men. That principle is, after all, one of the great things that lead to the inductive method. I very much dislike to see this conference going on record with reference to methods in international law without at least calling attention to the importance of inductive methods, the way of training for sound, rational judgment on the part of the student, whether he be a law student professionally or whether he be a mere undergraduate student of political science.

Prof. HULL. Mr. Chairman, may I read the phraseology of the recommendation which bears on that point? I think it was written by Professor Sherman.

The CHAIRMAN. Certainly.

Prof. HULL (Reading):

In order to emphasize the positive character of international law, the widest possible use should be made of cases and concrete facts in international experience.

The interest of students can best be aroused when they are convinced that they are dealing with the concrete facts of international experience. The marshaling of such facts in such a way as to illustrate general principles lends a dignity to the subject which can not help but have a stimulating influence.

Hence, international law instruction should be constantly illustrated from those sources which are recognized as ultimate authority, such as: (a) cases, both of judicial and arbitral de-

termination; (b) treaties, protocols, acts, and declarations of epoch-making congresses (Westphalia, 1648; Vienna, 1815; Paris, 1856; London, 1909); (c) diplomatic incidents ranking as precedents for action of international character; (d) the great classics of international law.

Prof. HULL. The language of the recommendation would permit more or less use, for illustrative purposes, of the two kinds of classes that have just been referred to.

The CHAIRMAN. The chair, without participating in the discussion or attempting to guide it, would nevertheless like to express his personal opinion to the effect that the language of the resolution seems admirably calculated to call attention to the different sources to which reference may be made in order to develop or to illustrate the matter in hand; and without, however, seeking to secure the acceptance of any one method, it seemed to me, as I heard it read, that it was a very happy statement of what might be done.

If there is no further discussion—and I hear no request for any—I will put the question on the recommendations as they stand. All in favor of them will say aye; contrary minded, no.

The motion on the approval of the recommendations was adopted.

Prof. HULL. The next recommendation of the committee is with reference to specific training for the teaching of international law.

A major in international law in a university course leading to the degree of doctor of philosophy should be followed, if possible, by a residence at The Hague and attendance upon the Academy of International Law which is about to be established in that city. This highest international institution for developing a knowledge of international law was initiated at the Second Peace Conference at The Hague and has come into being largely through the efforts of the President and Recording Secretary of the American Society of International Law. No better means could possibly be devised for affording a just appreciation of the diverse national views of the system of international law or for developing that "international mind" which is so essential in a teacher of that subject.

It is therefore the conviction of this conference that as many fellowships as possible should be established in the Academy at The Hague, and especially for the benefit of prospective American teachers and practitioners of international law.

The CHAIRMAN. Are there any comments upon that resolution? It was moved and seconded that the recommendation be adopted and the motion was put and carried.

The CHAIRMAN. The chair did not like to make any remarks about the Academy of International Law at The Hague while this recommendation was before the conference for consideration, because he did not prepare this resolution and would not, for certain reasons, venture to suggest it himself; but inasmuch as it has been prepared and has been recommended, I would like to make a very few observations upon the subject-matter of the resolution.

At the Second Hague Peace Conference there was a proposal made by a distinguished gentleman, at the time Prime Minister of Roumania, that an academy of international law be established at The Hague to serve as an intermediary between theoretical and practical instruction, and as a bond between the Conference, on the one hand, and the Permanent Court of Arbitration, on the other.

The conference was so busy with other matters that it could not, or, at least, did not, discuss the question, although it appeared to be favorably received, and the proposal was included in the official proceedings of the Conference as published by the Dutch Government.

Some two or three years ago a Dutch committee, of which the late Mr. Asser was chairman, was appointed to consider the wisdom of establishing such an academy and the form it should take if established. As the result of very much discussion and great consideration, a meeting was held at The Hague in January of this year—a joint meeting of the Dutch committee having the matter in hand and a selected body of the Institute of International Law, with the result that a constitution, or what is called in Continental parlance, a series of statutes, providing for the foundation of the academy was drawn up, and on the 26th day of January the academy was founded according to Dutch law.

The course of instruction is to cover the field of international law and related subjects, especially questions of international law as discussed and decided by international conferences and arbitral courts. The instruction will be given in the summer months of each year, so as not to compete with any European or American university of the same or somewhat related kind. A faculty will be chosen from year to year, no two members of which will belong to the same country.

The Academy itself is under the control of a body of trustees, called a curatorium, consisting of twelve members, no two of whom will come from the same country.

In other words, international law is to be taught by eminent lectures and professors, of different nationalities; and in order to secure the observance of this regulation, the officers of the Academy have appointed a committee, called the Curatorium, composed of persons of different nationalities, to prepare the program and to select the lecturers and instructors. We may therefore hope that, while special interests will no doubt be considered by the lecturers and by the professors, the presence of lecturers and practitioners of different nationalities will tend to counteract such views, if expressed. In other words, that international law will be internationalized.

The student body, it is hoped, will be drawn from students of European and American universities who have had considerable training in international law, and it is believed that the governments will be willing to take an interest in the Academy and its successful operation to the extent of designating certain of its official personnel to attend the courses; and negotiations are on foot through the Netherland Government to obtain the coöperation of the governments to this extent.

The great need is, I think, fellowships or scholarships, a matter which has occupied the attention of the founders and of the curatorium. It is hoped that the generosity of enlightened persons in the different countries may result in the creation of scholarships and fellowships.

I should like to say, gentlemen, if I may, that I am extremely happy over this recommendation, and in conclusion I beg to assure you again, that I was not a party to it, although I certainly do approve of it.

Prof. HULL. The next resolution is in regard to the place of international law in the college or university curriculum. The resolution is as follows:

It is the conviction of this conference that the present development of higher education in the United States and the place which the United States has now assumed in the affairs of the society of nations justifies and demands that the study of the science, and of the historic applications, of international law shall take its place on a plane of equality with other subjects in the

college and university curriculum, and that professorships or departments devoted to its study should be established in every institution of higher learning. The experience with political science and political economy, both of which subjects have been accorded a place of equality, but both of which have achieved this place within a comparatively recent period, affords a precedent for a similar development in the teaching of international law.

The CHAIRMAN. Gentlemen, you have heard this resolution dealing with the feasibility of chairs of international law. Do I hear a motion for its adoption?

It was moved and seconded that the resolution be adopted, and the question on the adoption of the resolution was put and carried.

Prof. HULL. For our last recommendation I will ask Prof. Reeves if he will kindly present the resolution.

Prof. REEVES. Mr. Chairman, this is not in the form of a resolution, but rather in the form of recommendations. I shall read it practically as I have read it before.

Assuming that the undergraduate curriculum includes a course in international law as recommended by the report of subcommittee No. 1, your committee suggests that graduate instruction in international law concerns three groups of students:

- (a) Graduate students in law;
- (b) Graduate students in international law and political science;
- (c) Graduate students whose major subjects for an advanced degree are in other fields, *e. g.*, history or economics.

The first two groups have a professional interest in international law, many having in view the teaching of the subject, its practice, or the public service. Therefore as to them we recommend that the graduate work offered be distinctively of original and research character, somewhat as outlined by the report of the second subcommittee, following upon a preliminary training in the fundamental principles of the subject, as pursued in the undergraduate course or courses.

As to those of the third group, having less professional interest in the subject, a broad general course in international law is recommended.

On motion, duly seconded, the recommendations were adopted.

Prof. HULL. That concludes our recommendations.

The CHAIRMAN. It is not proper, I take it, for the chair to express personal views on matters under discussion, but he can not resist the temptation of saying that in his opinion the resolutions are of a kind calculated not merely to increase the facilities for the study of international law, but also to secure its introduction into institutions where it is not now taught, and to create a greater interest in the future than has been the case in the past.

On behalf of the Society of International Law the chair desires to thank the committee.

I now call for the report of Committee No. 2.

A member of Committee No. 2 stated that it was the plan of that committee to present its report tomorrow morning.

The CHAIRMAN. I call for the report of Committee No. 3.

Prof. COLBY. Mr. Chairman, the report of this committee, briefly stated, is expressed in the following resolution:

Resolved, That in view of the increasing importance of a knowledge of international law to all persons who plan to devote themselves to the administration of justice, and who, through their professional occupation, may contribute largely to the formation of public opinion, and who often will be vested with the highest offices in the State and nation, this conference earnestly requests all law schools which now offer no instruction in international law to add to their curriculum a thorough course in that subject; and it also urges all institutions which now offer any other graduate courses in law to make ample provision for an advanced course in international law.

In order to bring this resolution into harmony in form with those offered by Committee No. 1, I have the authority of Committee No. 2 to add the following words:

And that a copy of this resolution be sent to all law schools and institutions offering graduate courses in law in the United States.

The CHAIRMAN. You have heard the report of Committee No. 3 as expressed in its resolution. What is your pleasure?

Prof. WAMBAUGH. I do not understand this report. It seems to advise a course in international law in the ordinary law schools, and I agree to that. It seems to advise a course in international law in a graduate school which may come after an ordinary law course, and I agree to that; but it seems also to suggest that if one of those courses be given there should then be two courses of international law. I do not understand that, as yet.

The CHAIRMAN. If Professor Colby would be good enough to respond to the question, I should appreciate it.

Prof. COLBY. The committee to whom the third item on the program was submitted found difficulty because the reference was to institutions offering a graduate course in law; not specifically to law schools offering no instruction in international law. At the conference it was deemed proper to take into view the subject-matter as related to law schools, nearly fifty per cent of which, as appears by the report which has been distributed to the members of this conference, now offer no instruction in international law; and also to bear in mind certain institutions or universities which have a department of political science in which public law has an important place; and in such institutions it appears to be assumed that those who are enrolled in the departments of political science have previously had instruction in the elements of international law. For that reason the committee framed its resolution so as to cover the case of law schools now offering no instruction in international law and such institutions and certain universities which in departments of political science offer instruction in international law; it being in the mind of the committee probable that there were other like institutions offering graduate courses which did not include that of international law.

If the recommendation of the committee proves not to be correct nor to meet the approval of the conference, nor to be in entire harmony with the plan outlined by Committee No. 1, we have had the consolation of assuming that the Committee of Revision would be able to bring the different recommendations and proposals of these different committees into harmony.

The CHAIRMAN. Might the chair ask Professor Wambaugh if the statement clears up what he had in mind?

Prof. WAMBAUGH. Not in the least, as far as I can see. It seemed to me when it was first read that the purpose really would be met by asking that all law schools should establish a course in international law, either in their ordinary course or in a graduate course if they happen to give one. And now it is explained to me that under the description of institutions with graduate courses in law it is not meant to think exclusively, at least, of law schools, but it is meant to think of universities which have a graded school of arts and sciences, and then give, in the graded school of arts and sciences, some courses in law. I should think that that last kind of thing would be covered by what was given to Committee No. 2, which has to do with advanced degrees.

I wonder whether the purpose of Committee No. 3 will be served fully by advising that institutions or law schools with graduate courses in law should certainly have in those graduate courses in law international law, and then, if they should advise also that in the ordinary undergraduate courses in law there should be international law, that would harmonize with the recommendation made by Committee No. 5. But what worried me at the outset was the suggestion that in a law school having a course in international law covering the degree of LL.B., it should have another one besides that, some advanced degree.

The CHAIRMAN. May the chair make a suggestion of a kind calculated to produce agreement? My idea is to postpone further consideration of Question 3 and to ask Committee No. 3 to consider further the matter in the light of what has been said by Professor Wambaugh, in connection with Committees Nos. 2 and 5, in order at the morning session to report a resolution which perhaps will meet with the approval of all three committees concerned. I simply make the suggestion in the interest of clearing up a misunderstanding that seems to exist and to get a wording of the resolution which will satisfy not merely the criticisms which have been made, but the desires of the members of the conference. Would you be willing to accept that suggestion?

Prof. COLBY. I shall be very glad to.

Prof. HOYNES. The matter was taken up by us the other morning, and we went over it hastily. The sense of it seems to be that we were to pass on the question of adopting graduate courses, in the universities or schools, where the subject of international law is not now taught. It was suggested that it might be made compulsory, but it developed in the deliberations of the committee that it might be well also to suggest that it be taken up in the undergraduate schools as well, because sometimes the undergraduate courses may take a limited view of it, such as lectures. The idea was this: Sometimes undergraduate students do not go any further than getting their LL.B. degree. They never pass through the full course, and it would be well to have them study international law so that they would have some familiarity with it, and the courses were not intended to encroach on each other. The thought was that the undergraduate students should not be allowed to pass without some knowledge of international law, and Professor Colby then suggested that, and I thought it was a good idea. The fact is, we intended that Committee No. 1 and the drafting or revising committee should go into all these things and harmonize them.

The CHAIRMAN. It has been suggested that further consideration of report No. 3 be deferred, and that the committee will present a report at the morning session. I think that will save our time and perhaps clear up any doubts and misunderstandings.

The chair will now pass, if there be no objection, to Committee No. 4.

Prof. LAWSON. I have already read the resolution and the reasons upon which the committee acted, but I will read the resolution again:

Resolved, That the attention of the State bar examiners and of the bodies whose duty it is to prescribe the subjects of examination be called to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar, and that they be urged to make international law one of the prescribed subjects.

It was moved and seconded that the resolution be adopted, and the question on the adoption was put and carried.

The CHAIRMAN. Committee No. 5.

Prof. ELIOT (Reading) :

Resolved, That this conference on the teaching of international law requests the American Bar Association to take appropriate action toward including international law among the subjects taught in law schools and required for admission to the bar.

The CHAIRMAN. Gentlemen, you have heard the resolution. What is your pleasure?

Prof. HOYNES. I move its adoption.
The motion was duly seconded.

The CHAIRMAN. In the course of Mr. Eliot's remarks giving the reasons for the resolution, he referred to a member of the committee who happens to be Professor Wambaugh, and the chair would like to ask Professor Wambaugh to make a statement.

Prof. WAMBAUGH. Mr. Chairman, of course the resolution that just now was offered really covers the ground so that there is no importance in what I am about to say, except that some of you may like to know what has happened in our own law school with reference to the study of international law. What has happened is of consequence simply because it makes it proper to approach the American Bar Association or any other society of lawyers with the suggestion that international law should really be taught in law schools and should really be required for admission to the bar. Someone has said that a great part of international law is not included in decided cases. That is true; but I think that the most astonishing discovery which we have been making is that so much of international law is the subject-matter of litigation and can be found in the decided cases, and hence can with perfect ease and propriety be studied in law schools and by prospective lawyers.

Beginning about four years ago, I required some of my students from day to day to go to the volumes of United States Supreme Court Reports to find all the cases which seemed to turn on international law points. That investigation has finally been concluded in a way, and the result is, to me, rather astonishing. Through Volume 230 United

States Reports we have found 2488 cases which apparently turn more or less on points of international law. There is no question at all that a winnowing will result in omitting a great many, and there is no doubt at all that some people would say that we have included in the preliminary list some cases which really ought not to be there. The list was made a hospitable one on purpose, to the end that we might miss nothing at first, and the investigation in this way has been rather thorough. Every case has been examined at least three times, some four times and many others five times; and if the syllabus has not indicated clearly enough whether the case turns on international law or not, the whole of the case has been read.

In the list we have included some cases which more properly go under the subject of conflict of laws, but when one is discussing such questions as domicile he is coming upon matters that belong really to both conflict of laws and international law.

In the light of the fact that there are these hundreds, indeed thousands, of cases in the Supreme Court of the United States turning on international law, I am sure it will be only reasonable to suggest to the ordinary law school that international law has come really and truly within the scope of the lawyer and now should have a place in the law school curriculum.

The CHAIRMAN. If there be no further discussion, I will put the question.

The question on the adoption of the resolution recommended by Committee No. 5, having been duly seconded, was put and carried.

The CHAIRMAN. The next committee is No. 6.

Prof. ARTHUR I. ANDREWS. In the absence of the chairman of that committee, I will read the report of Committee No. 6:

1. Your committee thinks it desirable, upon the initiative of institutions where instruction in international law is lacking, to take steps toward providing such instruction by visiting professors or lecturers. This instruction should be given in courses, and not in single lectures, upon substantive principles, not upon popular questions of momentary interest, and in a scientific spirit not in the interest of any propaganda.

2. With respect to the feasibility of this plan, it is suggested that members of this Society, qualified by professional training,

might be willing to give these courses, upon the invitation of the Executive Council, if some provision be made (through the establishment of lectureships or otherwise) to bear the necessary expense of the undertaking.

3. We therefore suggest that a committee, upon which there shall be adequate representation of those engaged in the teaching of international law, be appointed by the Executive Council of this Society to ascertain the institutions in need of additional instruction in international law, and endeavor to find means of affording such assistance as may be necessary to the instructing staff of the said institutions or of supplying this additional instruction by lecturers chosen by this committee and approved by the Executive Council.

4. We also suggest that steps be taken to bring to the attention of every college not offering at present instruction in international law the importance of this subject and the readiness of this Society to cooperate with such institutions in introducing or stimulating instruction.

It was moved and seconded that the report with its recommendations be adopted, and the question was put and carried.

The CHAIRMAN. The chair understands that this finishes the work of the afternoon. Committee No. 7, if I am correctly informed, desires to present its report tomorrow. Committee No. 2 likewise desires to present its report tomorrow, and Committee No. 3, after conferring with Committees Nos. 1, 2 and 5, will prepare an amended or a further report to the conference tomorrow.

Prof. SHERMAN. There is only one question. There was an objection to the resolution as read concerning the scope and power of the Committee of Revision. We understand that the vote of the conference this afternoon does in point of fact confirm and approve the various resolutions, saving only such simple difficulties as the duplication of ideas or infelicities of expression, or of grammar. Do we understand that such points as have been disapproved of shall be amended or changed, or an entire set of resolutions be proposed and read?

The CHAIRMAN. The understanding of the chair on that point was that the general principle of the resolutions should be adhered to as stated, leaving to the Committee of Revision the duty of incor-

porating the sense of each resolution in proper language and in arranging the place that it should occupy in a series of resolutions.

Prof. SHERMAN. I asked the question, Mr. Chairman, in order simply to clear the minds, possibly, of one or two here as to whether or not any observations offered touching these resolutions would go to the extent of expecting the Committee of Revision essentially to vary their sense by modifying them in preparing them for final approval.

The CHAIRMAN. The chair gathered that the suggestions made concerning that point were individual; with the understanding that the suggestions would be considered. The mover of the resolution expressed no desire to block the adoption, should it be the desire or the will of the committee to present them in much the same form. I thought it was rather in regard to the wording, but not an objection in the strictest technical sense.

Prof. SHERMAN. Some of us have to leave early, and it would be more gratifying to us if the conference reaches its final conclusion on the essence of these resolutions, because, otherwise, we would have to look forward to a reargument.

The CHAIRMAN. I think that was made rather clear in the statement made by the chair when it was presented. I could not bring this matter up myself, by reason of certain obscurity in the form of expression, and by reason of a doubt that occurred to me. When Professor Hoynes moved the appointment of a committee the chair was in doubt whether that committee was to be appointed immediately to consider the resolutions, put them into final form and to submit them tomorrow to the conference. At first that appeared to be the sense of the motion, but from observations made on the floor, it seemed to be understood, at least by those who were participating in the discussion, that the committee should be appointed, that it should clothe in proper form the sense of the resolutions and present them at some later time to the Executive Council or Executive Committee of the American Society of International Law.

Prof. SHERMAN. Then, I move that the Committee of Revision be empowered to present these resolutions in proper form within suitable time to the Executive Council or Executive Committee, but without power to alter their substance in any manner whatever as adopted this afternoon, and to transmit them to the law schools, colleges and universities and other bodies to which they are directed.

The motion was seconded.

Prof. HOYNES. I am in some doubt as to whether the chairman of this meeting shall have full charge of the work and supervise the work of the committee or the conference. If I were to know that the chair had the matter in charge and would appoint additional members if necessary to assist in this work of supervision, I would have no fear whatever that we would reach a result satisfactory to everybody connected with the conference, and I merely wanted to ask whether the chair would be a member of the committee?

The CHAIRMAN. That presents a rather personal matter. The chair had intended to appoint the seven chairmen, and if it be the desire of the conference that the committee be somewhat enlarged by the addition of two or three—

Prof. HOYNES. I make the motion, Mr. Chairman, to the effect that the Chairman of this conference—pardon me for not putting the motion myself—appoint three additional persons who shall constitute this Committee of Revision, and that he be chairman *ex officio* of the committee.

The motion was duly seconded.

The CHAIRMAN. Is there any discussion?

There being no discussion the motion, having been duly seconded, was put and carried.

Prof. HOYNES. Perhaps I should have made a further remark while on my feet, but the chairman of Committee No. 3 states that he would like to report a change, in accordance with the suggestion of Professor Wambaugh, in the resolution read here, and I think it will be accepted at once, in view of the fact that Professor Wambaugh has made objection to one of the points in it. Consequently Professor Wambaugh, I think, would be glad to hear it. I will ask him if it would be satisfactory to him.

The CHAIRMAN. May the chair consult the conference as to its pleasure? The chair would like to know if it be your desire to have this amended resolution read, or do you care to allow it to go over until tomorrow?

Prof. COLBY. It would take only a moment to read it, and I think that we could dispose of it at the present session. It appears that the phraseology of the resolution referred to was objected to, and it appears that the function of this Committee No. 3 will be discharged by reporting the first part of the resolution previously read, or, in other words, by simply omitting the statement referring to all institutions which now offer graduate courses in law, so that, as amended, the resolution, after referring to the preamble, which perhaps need not be reread, states:

This conference earnestly requests all law schools which now offer no instruction in international law to add to their curriculum a thorough course in that subject, and that a copy of this resolution be sent to all law schools in the United States.

The CHAIRMAN. May I ask Professor Wambaugh if that meets his suggestion?

Prof. WAMBAUGH. Yes; that is all right. Of course, it was a mere inadvertence.

Prof. HOYNES. It is very likely, Mr. Chairman, that such resolutions as this may be merged in the others by the Committee of Revision.

The CHAIRMAN. That, of course, is a question upon which we can not pass at present.

It was moved and seconded that the resolution of Committee No. 3 in its amended form be adopted.

There being no discussion, the motion was put and carried.

The CHAIRMAN. Gentlemen, we have had presented this afternoon the reports of five of the seven committees, and the recommendations of the five committees have been adopted.

Is there any further business?

Prof. LAWSON. Is it quite clear what the procedure is to be in regard to the action of the Revision Committee? There are two reports that will not go in until tomorrow. The attendance at the conference may dwindle as some members will leave as soon as the real work is done. We may, therefore, have fewer members present tomorrow. Is it understood, then, that the Committee of Revision has power to present the resolutions to the Executive Council and transmit them to the law schools, colleges and universities and other bodies?

The CHAIRMAN. That was the exact sense and the text of the resolution offered by Professor Sherman.

Prof. LAWSON. Very well.

The CHAIRMAN. Is there any further business?
(No response.)

The chair thereupon announced the appointment of the following gentlemen as members of the Committee of Revision:

ROBERT BACON,
GEORGE H. BLAKESLEE,
PHILIP BROWN,
JAMES F. COLBY,
EDWARD C. ELIOT,
JOHN W. FOSTER,
WILLIAM I. HULL,
JOHN D. LAWSON,
WILLIAM R. MANNING,
ELIHU ROOT.

On motion, duly seconded, the conference, at 5:00 o'clock p.m., adjourned until tomorrow morning at 10.30.

THIRD SESSION

Saturday, April 25, 1914, 10:30 o'clock a.m.

Professor GEORGE G. WILSON, a member of the Executive Council of the Society, in the chair.

The CHAIRMAN. There are some items of business which have come over from yesterday's session. I think the report of Committees Nos. 2 and 7 of the Conference of Teachers of International Law are ready to be presented. We will first hear the report of Committee No. 2.

REPORT OF COMMITTEE NO. 2.

Prof. GEORGE H. BLAKESLEE. Mr. Chairman, I will first read the basis of the committee's recommendation, which has been drawn up by Prof. Hornbeck, and in which all of the members of the committee agree.

The question with which this committee has been directed to deal is that of "requiring a knowledge of the elements of international law for candidates for advanced degrees."

After full consideration of this question, the members of this committee are agreed in believing that it would be inadvisable to propose to colleges and universities that international law be made a "required subject" either for any or for all candidates for advanced degrees.

One of the recognized principles of graduate work as it is now carried on in this country is that the courses shall be optional, subject to certain restrictions. A proposal, therefore, that international law be made a "required subject" would amount to a recommendation that an exception be made to this generally observed and satisfactory rule. This rule, as such, is so well established that we do not conceive that a proposal to alter it would be favorably received, however important the subject in whose favor an exception is sought. Nor is a breach of the principle desirable.

However, the committee does not consider that with this reply the question should be dismissed. We consider it advisable for this conference to make recommendations with the object of securing greater consideration for the subject of international law, both on the part of faculties and candidates for advanced degrees.

We are of the belief that every candidate for an advanced degree in political science, law, history, political economy or sociology ought to have, along with his other equipment, the knowledge which having taken a course in international law implies.

Holding this view, and recognizing the fact that, as experience shows, practice does not universally conform to this idea, we would urge that this conference call attention to the great and increasing importance of international law among those subjects with which every student in the lines above mentioned ought to be acquainted.

It is a significant fact that, as will be seen from the Report of the Carnegie Endowment for International Peace on the Teaching of International Law in the Educational Institutions of the United States, there are several institutions in this country which make international law a required subject for candidates for the bachelor's degree.

Without commenting upon the wisdom or policy of such a requirement, this committee does not hesitate to declare its approval of the sentiment that a knowledge of international law is an essential part, in this day and age, of a liberal education. From that we would proceed to the proposition that this subject ought by no means to be wanting in the equipment of those who aspire to advanced degrees in the fields of study which we have specified. We would therefore submit to this conference the following proposals:

Be it resolved, That this conference direct that a letter be sent to professors of political science, law, history, political economy and sociology throughout the country calling attention to and emphasizing the essential and fundamental importance of a knowledge of international law on the part of students in those branches; declaring it the opinion of this conference that every college of liberal arts, every graduate school and every law school, should have provision for courses in international law; and urging that all graduate students working in the above mentioned fields be advised to include this subject in their courses of study.

Be it resolved, That there be prepared and sent out with this letter reprints of Senator Root's address on the Importance of the Study of International Law, which appeared in Vol. I of the American Journal of International Law, and of his address delivered at the opening of this conference on the teaching of international law.

Be it resolved, That the Secretary of the American Society of International Law be asked to attend to the drafting, printing and distribution of the above specified letter and reprints and that he be authorized, if he sees fit, to send out additional literature therewith.

The CHAIRMAN. You have heard the resolutions proposed by Committee No. 2. What is your pleasure?

Prof. HOYNES. I move that they be accepted.
The motion was seconded.

The CHAIRMAN. The motion has been made and seconded that these resolutions be accepted. Is there discussion?

Prof. AYMAR. I want to offer the suggestion that it might be well to take up with the American Law School Association the proposition of incorporating in one of the required courses substantially a course of international law in the three year law course recommended by that association.

The CHAIRMAN. If I am not mistaken, that exact proposition has already been covered.

The motion was put and agreed to.

The CHAIRMAN. The report of Committee No. 7 will be presented by Prof. Manning.

Prof. W. R. MANNING (Reading): Committee No. 7, charged with considering "the advisability of requesting universities which now have summer schools to include among the subjects offered courses on the elements of international law," begs leave to present the following resolutions:

1. That the American Society of International Law should request universities having summer schools to offer summer courses on international law. This recommendation is made because the summer schools are so largely composed of teachers in the high schools and other public schools; and because it is believed that there is no other way to create among the masses of the people a sane public opinion on international affairs so quickly and so effectively as to reach the children in the public schools through the public school teachers.

Realizing that no considerable demand now exists for such courses, and that universities are not likely to offer them unless, and until, a demand is felt, it is resolved:

2. That the American Society of International Law should endeavor to stimulate a demand for summer school courses in international law. In order to stimulate such a demand it is suggested that as many names as possible of prospective summer school students be obtained by the following, or other, means: (1) by writing for lists of members of all State teachers' associations; (2) by copying from catalogues, or elsewhere, lists of all students attending the last session of all summer schools; and (3), possibly also, by copying lists of all students attending the

last regular session of all universities having summer schools. To all such addresses should be sent printed circulars, or other literature, setting forth briefly, concisely, and strikingly the value of a knowledge of international law as a means for preserving international peace. A circular letter should be enclosed suggesting that every one who expects to attend a summer school the next summer write to the authorities of the chosen summer school saying he would like to take a course in the elements of international law, and asking if such a course will be given.

It is anticipated that only a small percentage of the persons addressed will respond; but it is believed that if the first letter be followed up by a second, and possibly a third, and if the plan be pursued persistently for two or three years or longer, it will have an appreciable influence and will amply justify the expenditure of time and effort.

The CHAIRMAN. What will you do with this report?

Prof. HOYNES. I move that it be accepted.

The motion was seconded.

The CHAIRMAN. It is moved and seconded that the report be accepted.

The motion was put and agreed to.

Prof. ANDREWS. Mr. Chairman, if it is in order I should like to offer a resolution for reference to the Executive Council, which I have prepared after consultation with others.

The CHAIRMAN. Is it in reference to this matter of teaching?

Prof. ANDREWS. Yes.

The CHAIRMAN. It will be in order to present it at this time.

Prof. ANDREWS. I offer this resolution:

Resolved, That this conference recommend the establishment and encouragement in collegiate institutions of specialized courses in preparation for the Consular and Diplomatic Services.

I may say that I am connected with such a course, and I think there are others here who are so connected; and if we are to encourage the study of international law, the encouragement of such specialized courses will be in order.

The CHAIRMAN. Do you wish to refer that to the Executive Council, or to this Committee of Revision of all the work?

Prof. ANDREWS. I should say to that committee, with power.

The CHAIRMAN. I think that would be the better disposition to make of it. Do you make that as your motion?

Prof. ANDREWS. Yes.

The motion was seconded, put and agreed to.

Prof. ANDREWS. Mr. Chairman, I should like to offer another resolution if I may do so. This resolution is not so much my own idea, although I am of course in hearty sympathy with it, but it is a resolution suggested by more than one professor of economics and especially the professor of economics at the institution with which I am connected.

Resolved, That this conference recommend that the study of international law be required in specialized courses in preparation for business.

I move that that be referred to the same committee.

The motion was seconded, put and agreed to.

The CHAIRMAN. Unless there be something further in regard to the subject of the teaching of international law, the regular order of business of the American Society of International Law for this morning is before us.

Mr. SCOTT. Before proceeding to that I should like to express, on behalf of the American Society of International Law, the very great pleasure it has given us to welcome to our meetings the teachers of international law and related subjects in American institutions of learning. The resolutions framed by them and presented to the conference and adopted by it, will, I am quite sure, if put into effect,

largely increase the interest in international law and its scientific exposition. The conference has set in motion an agency which, without intending to dominate in any way the teaching of these subjects, and without seeking in any way to enforce its views upon the teachers of international law, will nevertheless have great effect upon such teachers; because these recommendations have not come from the outside, but have come from those who are specially qualified in the subject, and are, as it were, to be considered a word of advice or suggestion to those engaged in actual instruction in American institutions of learning.

In the second place, Mr. Chairman, I should like to extend, on behalf of the Society, if I may venture to speak in its behalf, our very great pleasure and satisfaction at the recommendation made by the conference that the conference shall be continued by the appointment of a committee of the American Society of International Law, to be composed of teachers of international law, which committee shall continuously take into consideration the teaching of international law and the means by which its sphere of influence may be extended. By so doing they have shown a confidence in the American Society of International Law, they have broadened its scope and enlarged its opportunities; and I believe, sir, that the Society is deeply appreciative of this mark of confidence and that, in conjunction with the committee, it will take the necessary steps to carry out the various resolutions which have been unanimously adopted in order to effect the purposes for which the conference met and for which the resolutions were presented.

Prof. HULL. Mr. Chairman, may I be permitted to offer a vote of hearty thanks and appreciation to the International Law Division of the Carnegie Endowment, under whose wise initiative and generous hospitality this conference has been held. I am sure that all teachers of international law and diplomacy appreciate the opportunity which has been afforded them at this meeting to get together and to discuss the best methods of teaching the subjects referred to. Therefore I move a vote of hearty thanks and appreciation.

Prof. HOYNES. I second that motion.
The motion was unanimously agreed to.

The CHAIRMAN. If there is no other business relating to the conference on international law, a motion to adjourn the conference will be in order.

Whereupon, at 11 o'clock a.m., upon motion duly made and seconded, the Conference of Teachers of International Law and Related Subjects adjourned, *sine die*.

RESOLUTIONS AND RECOMMENDATIONS
OF THE
CONFERENCE OF TEACHERS OF INTERNATIONAL LAW
AND RELATED SUBJECTS

WASHINGTON, D. C., APRIL 23-25, 1914

WHEREAS, The American Society of International Law, founded for the purpose of fostering the study of international law and of promoting the establishment of international relations upon the basis of law and justice, desiring the more effectually to further these objects, decided to call a Conference of Teachers of International Law and Related Subjects, to consider the present position and steps for the future development of that study, and, to that end, invited leading educational institutions of the United States to send delegates to take part in such conference; and

WHEREAS, Forty-one colleges and universities accepted the afore-said invitation and sent representatives to take part in the conference as follows:

Boston University:	JAMES F. COLBY
Brown University:	JAMES C. DUNNING
University of California:	ORRIN K. McMURRAY
University of Chicago:	ERNST FREUND
Clark University:	GEORGE H. BLAKESLEE
Cornell University:	SAMUEL P. ORTH
Dartmouth College:	{ JAMES F. COLBY
	{ FRANK A. UPDYKE
Dickinson College:	EUGENE A. NOBLE
George Washington University:	{ CHARLES NOBLE GREGORY
	{ C. H. STOCKTON
University of Georgia:	H. A. NIX
Hamilton College:	FRANK H. WOOD
Harvard University:	{ EUGENE WAMBAUGH
	{ GEORGE G. WILSON
University of Illinois:	JAMES W. GARNER
Johns Hopkins University:	JAMES BROWN SCOTT
University of Kansas:	F. H. HODDER
Lafayette College:	E. D. WARFIELD
Lehigh University:	JOHN L. STEWART

Louisiana State University:	ARTHUR T. PRESCOTT
University of Michigan:	JESSE S. REEVES
University of Minnesota:	WILLIAM A. SCHAPER
University of Missouri:	JOHN D. LAWSON
University of Nebraska:	EDWIN MAXEY
College of the City of New York:	WALTER E. CLARK
New York University:	F. W. AYMAR
Northwestern University:	CHARLES CHENEY HYDE
University of Notre Dame:	WILLIAM HOYNES
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Western Reserve University:	FRANCIS W. DICKEY
University of West Virginia:	JAMES M. CALLAHAN
University of Wisconsin:	STANLEY K. HORNBECK
Yale University:	GORDON E. SHERMAN;

and

WHEREAS, The said representatives, duly accredited, convened in the city of Washington, District of Columbia, and at a series of meetings held on Thursday, April 23, 1914, Friday, April 24, 1914, and Saturday, April 25, 1914, considered the following questions:

1. Plans for increasing the facilities for the study of international law; for placing the instruction on a more uniform and scientific basis; and for drawing the line between undergraduate and graduate instruction.
2. The question of requiring a knowledge of the elements of international law for candidates for advanced degrees.
3. The advisability of urging all institutions with graduate courses in law to add a course in international law where not already given.
4. The advisability of calling the attention of the State bar examiners to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar.

5. The advisability of requesting the American Bar Association, through its appropriate committee, to consider the question of including the study of international law in its recommendations for a deeper and wider training for admission to the bar.
6. The desirability and feasibility of plans for securing the services of professors of or lecturers on international law to whom can be assigned definite lecture periods in institutions where international law is not now taught or is inadequately taught—the services to rotate between institutions where they will be acceptable.
7. The advisability of requesting universities which now have summer schools to include among the subjects offered courses on the elements of international law, and, if there be occasion for it, to offer advanced courses of interest and profit for advanced students and instructors.

NOW THEREFORE, The Conference of Teachers of International Law and Related Subjects, after careful consideration and detailed examination in committee and thorough discussion in the full sessions of the Conference, unanimously adopts the following resolutions, in the belief that the recommendations contained therein, if carried into effect, will maintain, develop, and increase sound, progressive and fruitful ideas on international law and related subjects:

RESOLUTION No. 1

Resolved, That the Conference of Teachers of International Law and Related Subjects hereby recommends to the American Society of International Law the appointment of a Standing Committee of the Society on the Study and Teaching of International Law and Related Subjects, upon lines suggested by the recommendations of the Conference.

RESOLUTION No. 2

Resolved, That, in order to increase the facilities for the study of international law, the Conference hereby recommends that the following steps be taken to improve and enlarge library and reference facilities:

- (a) That a carefully prepared bibliography of international law and related subjects be published, with the names of publishers and

prices so far as these may be obtainable, with especial reference to the needs of poorly endowed libraries.

(b) That there be published likewise a carefully prepared index or digest of the various heads and sub-heads in international law, with references to all standard sources of authority upon each head.

(c) That there be published in a cheap and convenient form all documents of state, both foreign and domestic, especially Latin American, bearing upon international law, including treaties, documents relating to arbitration, announcements of state policy, and diplomatic correspondence, and that the aid of the Department of State be solicited in securing copies of such documents for publication.

(d) That at short intervals a bulletin be published, containing excerpts from the Congressional Record and other current sources, giving reliable information upon international questions arising from time to time and the final disposition of such questions.

(e) That a law reporter of international cases be issued.

RESOLUTION NO. 3

Resolved, That, in order further to increase the facilities for the study of international law, the Conference recommends that steps be taken to extend the study of that subject by increasing the number of schools at which courses in international law are given, by increasing the number of students in attendance upon the courses, and by diffusing a knowledge of its principles in the community at large, and, more particularly:

(a) That, as the idea of direct government by the people grows, it becomes increasingly essential to the well-being of the world that the leaders of opinion in each community be familiar with the rights and obligations of states, with respect to one another, as recognized in international law. Hence, it has become a patriotic duty, resting upon our educational institutions, to give as thorough and as extensive courses as possible in this subject.

(b) That a course in international law, where possible, should consist of systematic instruction extending over at least a full academic year, divided between international law and diplomacy.

(c) That prominent experts in international law be invited from time to time to lecture upon the subject at the several institutions.

RESOLUTION No. 4

Resolved, That, with a view of placing instruction in international law upon a more uniform and scientific basis, the Conference makes the following recommendations:

(a) In the teaching of international law emphasis should be laid on the positive nature of the subject and the definiteness of the rules.

Whether we regard the teaching of value as a disciplinary subject or from the standpoint of its importance in giving to the student a grasp of the rules that govern the relations between nations, it is important that he have impressed upon his mind the definiteness and positive character of the rules of international law. The teaching of international law should not be made the occasion for a universal peace propaganda. The interest of students and their enthusiasm for the subject can best be aroused by impressing upon them the evolutionary character of the rules of international law. Through such a presentation of the subject the student will not fail to see how the development of positive rules of law governing the relations between states has contributed towards the maintenance of peace.

(b) In order to emphasize the positive character of international law, the widest possible use should be made of cases and concrete facts in international experience.

The interest of students can best be aroused when they are convinced that they are dealing with the concrete facts of international experience. The marshalling of such facts in such a way as to develop or illustrate general principles lends a dignity to the subject which can not help but have a stimulating influence.

Hence, international law should be constantly illustrated from those sources which are recognized as ultimate authority, such as: (a) cases, both of judicial and arbitral determination; (b) treaties, protocols, acts, and declarations of epoch-making congresses, such as Westphalia (1648), Vienna (1815), Paris (1856), The Hague (1899 and 1907), and London (1909); (c) diplomatic incidents ranking as precedents for action of an international character; (d) the great classics of international law.

(c) In the teaching of international law care should be exercised to distinguish the accepted rules of international law from questions of international policy.

This is particularly true of the teaching of international law in American institutions. There is a tendency to treat as rules of international law certain principles of American foreign policy.

It is important that the line of division be clearly appreciated by the student. Courses in the foreign policy of the United States should therefore be distinctly separated from the courses in international law, and the principles of American foreign policy, when discussed in courses of international law, should always be tested by the rules which have received acceptance amongst civilized nations.

(d) In a general course on international law the experience of no one country should be allowed to assume a consequence out of proportion to the strictly international principles it may illustrate.

RESOLUTION No. 5

Resolved, That the Conference recommends that a major in international law in a university course leading to the degree of doctor of philosophy be followed, if possible, by residence at The Hague and attendance upon the Academy of International Law which is to be established in that city; that it is the sense of the Conference that no better means could possibly be devised for affording a just appreciation of the diverse national views of the system of international law or for developing that "international mind" which is so essential in a teacher of that subject; and that therefore as many fellowships as possible should be established in the Academy at The Hague, especially for the benefit of American teachers and practitioners of international law.

RESOLUTION No. 6

Resolved, That it is the conviction of this Conference that the present development of higher education in the United States and the place which the United States has now assumed in the affairs of the Society of Nations justify and demand that the study of the science and historic applications of international law take its place on a plane of equality with other subjects in the curriculum of colleges and universities and that professorships or departments devoted to its study should be established in every institution of higher learning.

RESOLUTION No. 7

Resolved, That, in order adequately to draw the line between undergraduate and graduate instruction in international law, the Conference makes the following recommendations:

Assuming that the undergraduate curriculum includes a course in

international law, as recommended in Resolution No. 6, the Conference suggests that graduate instruction in international law concerns three groups of students:

- (a) Graduate students in law;
- (b) Graduate students in international law and political science;
- (c) Graduate students whose major subjects for an advanced degree are in other fields, for example, history or economics.

The first two groups of students have a professional interest in international law, many having in view the teaching of the subject, its practice, or the public service. Therefore, as to them, the Conference recommends that the graduate work offered be distinctively of original and research character, somewhat as outlined in Resolution No. 4, following a preliminary training in the fundamental principles of the subject, as pursued in the undergraduate course or courses.

As to those of the third group, having less professional interest in international law, a broad general course in the subject is recommended.

RESOLUTION NO. 8

Resolved, That this Conference directs that a letter be sent to teachers of political science, law, history, political economy and sociology throughout the country calling attention to and emphasizing the essential and fundamental importance of a knowledge of international law on the part of students in those branches, which letter shall state the opinion of this Conference that every college of liberal arts, every graduate school and every law school, should have or make provision for courses in international law and urge that all graduate students working in the above mentioned fields be advised to include this subject in their courses of study.

Resolved, That, in accordance with the preceding resolution, there be prepared and sent out with this letter reprints of Senator Root's article entitled "The need of popular understanding of international law," which appeared in Vol. 1 of the American Journal of International Law, and of his address delivered at the opening of this Conference.

Resolved, That the Recording Secretary of the American Society of International Law attend to the drafting, printing and distribution of the above specified letter and reprints and that he is hereby authorized, if he sees fit, to send out additional literature therewith.

RESOLUTION No. 9

Resolved, That, in recognition of the growing importance of a knowledge of international law to all persons who plan to devote themselves to the administration of justice, and who, through their professional occupation, may contribute largely to the formation of public opinion and who often will be vested with the highest offices in the State and nation, this Conference earnestly requests all law schools which now offer no instruction in international law to add to their curriculum a thorough course in that subject.

Resolved further, That a copy of this resolution be sent to all law schools in the United States.

RESOLUTION No. 10

Resolved, That the Conference hereby calls the attention of the State bar examiners and of the bodies whose duty it is to prescribe the subjects of examination, to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar, and urges them to make international law one of the prescribed subjects.

RESOLUTION No. 11

Resolved, That the Conference hereby requests the American Bar Association to take appropriate action toward including international law among the subjects taught in law schools and required for admission to the bar.

RESOLUTION No. 12

Resolved, That the Conference hereby adopts the following recommendations:

(a) That it is desirable, upon the initiative of institutions where instruction in international law is lacking, to take steps toward providing such instruction by visiting professors or lecturers, this instruction to be given in courses, and not in single lectures, upon substantive principles, not upon popular questions of momentary interest, and in a scientific spirit, not in the interest of any propaganda.

(b) That members of the American Society of International Law,

qualified by professional training, be invited by the Executive Council or the Executive Committee of the Society to give such courses, and that provision be made, through the establishment of lectureships or otherwise, to bear the necessary expenses of the undertaking;

(c) That the Standing Committee on the Study and Teaching of International Law and Related Subjects of the American Society of International Law, the appointment of which was recommended in Resolution No. 1, be requested to ascertain what institutions are in need of additional instruction in international law and endeavor to find means of affording such assistance as may be necessary to the teaching staff of the said institutions or of supplying this additional instruction by lecturers chosen by the said Committee and approved by the Executive Council or Executive Committee.

(d) That steps be taken to bring to the attention of every college at present not offering instruction in international law the importance of this subject and the readiness of the American Society of International Law, through its Standing Committee on the Study and Teaching of International Law and Related Subjects, to coöperate with such institutions in introducing or stimulating instruction.

RESOLUTION No. 13

Resolved, That this Conference hereby requests and recommends that universities having summer schools offer summer courses in international law.

Resolved further, That the American Society of International Law, through its Standing Committee on the Study and Teaching of International Law and Related Subjects, is hereby requested to endeavor to stimulate a demand for courses in international law in summer schools.

RESOLUTION No. 14

Resolved, That the Conference recommends the establishment and encouragement in collegiate institutions of specialized courses in preparation for the diplomatic and consular services.

RESOLUTION No. 15

Resolved, That the Conference recommends that the study of international law be required in specialized courses in preparation for business.

RESOLUTION No. 16

Resolved, That a Committee of Revision, consisting of ten members, of which Mr. James Brown Scott shall be chairman *ex officio*, be appointed by the Chair for the revision in matters of form of the various resolutions and recommendations made to this Conference by the different committees and subcommittees and adopted by it, the said Committee of Revision to send a copy of the said resolutions and recommendations to every law school, college and university in the United States and to the American Society of International Law, through its Executive Council or Executive Committee, for such action as will serve to effectuate the recommendations of the Conference.

The undersigned, members of the Committee of Revision, duly appointed in accordance with Resolution No. 16, having carefully considered the resolutions and recommendations referred to them by the Conference, have prepared them in the foregoing form, and direct that they be transmitted by the Chairman of the Committee to the institutions and Society mentioned in Resolution No. 16.

JAMES BROWN SCOTT, *Chairman*,
ROBERT BACON,
GEORGE H. BLAKESLEE,
PHILIP BROWN,
JAMES F. COLBY,
EDWARD C. ELIOT,
JOHN W. FOSTER,
WILLIAM I. HULL,
JOHN D. LAWSON,
WILLIAM R. MANNING,
ELIHU ROOT.

WASHINGTON, D. C., *April 25, 1914.*

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